

BOX NO.	BATES NO.	CORRESPONDING REQUEST NO.
VA 002	MCIW019999-20110	1, 2, 3, 4, 5, 14, 15
224664903	MCIW020111-20307	11, 30, 35
224664903	MCIW020308-21942	35
224664905	MCIW021943-22451	11, 30, 35
298408973A	MCIW022452-23058	35
224664879	MCIW023059-23651	11, 30, 35
224664879	MCIW023652-23726	35
224664879	MCIW023727-24418	11, 30, 35
224664879	MCIW024419-24503	35
224664879	MCIW024504-25016	11, 30, 35
224664891	MCIW025017-25678	35
191496627	MICW025679-015912	1, 2, 3, 4, 14, 15
VA 016	MCIW025913-0225914	17
VA002	MCIW025915-025926	1, 2, 3, 4, 14, 15
Not from Iron Mountain Boxes	MCI025927-025988	1, 2, 3, 4, 14, 15

## **EXHIBIT 5**

**In re: WorldCom, Inc., et al.  
02-13555  
Parus Holdings/EffectNet Claim**

**MCI'S SUPPLEMENTAL RESPONSE TO FIRST REQUEST FOR DOCUMENTS**

**October 7, 2005**

**Parus Holdings' Requests for Documents**

1. Documents concerning objection to Claim No. 9291
2. Documents concerning objection to Claim No. 9293.
3. Documents concerning objection to Claim No. 11173.
4. Documents concerning objection to Claim No. 112242.
5. Documents concerning objection on ground that Claimant is not entitled to double recovery.
6. Documents concerning Debtors' alleged payment.
7. Documents concerning Debtors' contention that Claimant terminated the UC contract.
8. Documents concerning allegation that Claimant seeks an unenforceable penalty.
9. Documents concerning allegation that Claimant has calculated its damages using amount per commitment higher than contract specifies.
10. Documents concerning allegation that UC Contract prohibits assignment.
11. Documents concerning the General Agreement.
12. Documents concerning the Memorandum of Understanding.
13. Documents concerning the Interim Agreement.
14. Documents concerning decision to give notice to cancel accounts in September 2001.
15. Documents concerning decision to give notice to cancel accounts in March 2002.
16. Communication between Debtor and Claimant re: General Agreement.
17. Documents concerning payment under General Agreement.
18. Communication among Debtors concerning General Agreement.
19. Documents concerning communications among Debtors re: cancellation of accounts created pursuant to the General Agreement.

20. Documents concerning Claimant.
21. Documents concerning analysis of Claimants' finances, business, technology, or products.
22. Documents concerning Master Licensing Agreement ("MLA").
23. Documents concerning communication between Debtors and Claimant re: MLA.
24. Documents concerning communication between Debtors and Claimant from September 1, 2000 to present re: products and services provided under MLA.
25. Documents concerning price to be paid under MLA.
26. Documents concerning Debtors' payments under MLA.
27. Documents concerning Debtors' communications among each other re: MLA.
28. Documents concerning Jim Renforth's ceasing employment.
29. Documents concerning Jimmy Faust's ceasing employment.
30. Documents concerning in product suite IntermediaOne.
31. Documents concerning launch of IntermediaOne.
32. Communications among debtors re: IntermediaOne.
33. Documents re: merger that relate to Claimant.
34. Documents re: merger that relate to Unified Messaging Product.
35. Documents concerning efforts to develop, obtain, market or launch Unified Communications product or service.

**DOCUMENT INDEX BY REQUEST NUMBER**

BOX NO.	BATES NO.	CORRESPONDING REQUEST NO.
177204265	MCIW025989-025995	32, 30
177204265	MCIW025996-025999	35
177204265	MCIW02600-02675	32, 30
177204265	MCIW026076-026077	18
177204265	MCIW026078-026089	1, 2, 3, 4
177204265	MCIW026090-026094	30
177204265	MCIW026095-026141	18
177204259	MCIW026142-026256	1, 2, 3, 4, 14, 30, 32, 33
177204259	MCIW026257-026281	31, 35
177204259	MCIW026282-026333	30, 31, 32, 35
166134	MCIW026334-026396	30, 31, 32, 35
166110	MCIW026397-026420	35
166103	MCIW026421-026435	30, 31, 32, 35
177204253	MCIW026436-026517	30, 32
177204255	MCIW026518-026663	30, 32, 35
166107	MCIW026664-026786	31, 35
177204254	MCIW026787-026798	30, 32, 35
224664879	MCIW026799-028760	30, 35
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	MCIW028774-029033	1, 2, 3, 4, 29
	MCIW029036-029088	1, 2, 3, 4, 29
	MCIW029089-029208	1, 2, 3, 4, 30, 31, 35

BOX NO.	BATES NO.	CORRESPONDING REQUEST NO.
	MCIW029209-029232	1, 2, 3, 4
	MCIW029233-029244	1, 2, 3, 4
	MCIW029245-029249	1, 2, 3, 4
	MCIW029250-029252	1, 2, 3, 4, 14
	MCIW029253-029267	1, 2, 3, 4
	MCIW029228-029295	1, 2, 3, 4, 30, 32
	MCIW029296-02865	1, 2, 3, 4, 14, 30, 32
	MCIW029866-030180	1, 2, 3, 4, 14, 30, 32

# Exhibit O

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UNITED STATES BANKRUPTCY COURT  
3 SOUTHERN DISTRICT OF NEW YORK

-----x

4 In re

Case No.

5 WORLDCOM, INC., et al, 02-13533  
Reorganized Debtors.

6 -----x

November 1, 2005

7 1:30 p.m.

8 United States Custom House  
One Bowling Green  
9 New York, New York 10004

10

DIGITALLY RECORDED PROCEEDINGS

11 (E X C E R P T)

12 01:30 02-13533 WORLDCOM, INC., ET AL

13 Motion by Parus Holdings, Inc. to compel  
production of documents and to extend  
14 discovery deadlines.

15 Response filed.

16

17 B E F O R E:

18 THE HONORABLE ARTHUR J. GONZALEZ  
United States Bankruptcy Judge

19

20

21

22 DEBORAH HUNTSMAN, Court Reporter  
198 Broadway, Suite 903  
23 New York, New York 10038  
(212) 608-9053 (917) 723-9898

24

25

0002

1

2 A P P E A R A N C E S:

3 STINSON MORRISON HECKER LLP  
Special Counsel for Reorganized

4 Debtors

1201 Walnut Street

5 Kansas City, Missouri 64106

6 BY: ROBERT L. DRISCOLL, ESQ.

-and-

7 JODI HOSS, ESQ

(via telephone)

8

KELLEY DRYE & WARREN LLP

9 Attorneys for Parus Holdings, Inc.

101 Park Avenue

10 New York, New York 10178

11 BY: ROBERT FRIEDMAN, ESQ.

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1 Proceedings  
2 (Whereupon, the following is an  
3 excerpt from the proceedings taken on 11/1/05  
4 in re WorldCom, Inc., et al, Case No.  
5 02-13533.)

6 JUDGE GONZALEZ: Please be seated.  
7 All right. Let's proceed.

8 MR. FRIEDMAN: Thank you, Your  
9 Honor. Robert Friedman from Kelley Drye &  
10 Warren.

11 JUDGE GONZALEZ: Speak louder,  
12 please.

13 MR. FRIEDMAN: Sure. Robert  
14 Friedman from Kelley Drye & Warren for the  
15 Claimant Parus Holdings. Good afternoon,  
16 Your Honor.

17 We are before the Court yet again  
18 on what we believe is the Debtors' failure to  
19 produce the most relevant documents in this  
20 case. The last few times we were before the  
21 Court, Your Honor, Your Honor recognized that  
22 there would likely be significant issues with  
23 respect to the Debtors' production and their  
24 decision as to which documents to review and  
25 produce. You directed us, in light of a

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1 Proceedings  
2 representation that more documents were  
3 coming, to wait until we review those  
4 documents to hone in on the deficiencies. We  
5 have reviewed the documents that were  
6 produced to us by the Debtors, and we have  
7 honed in on the deficiencies, Your Honor;  
8 and, unfortunately, there are many  
9 deficiencies.

10 We have attempted to address these  
11 deficiencies. We have called Debtors'  
12 counsel. We wrote a letter to the Court on  
13 October 11th. We wrote a letter to counsel  
14 on October 24th, after we discussed these  
15 matters at a conference with Judge Morris.  
16 We have yet to receive any substantive

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17 response to our concerns.

18 The Debtors have filed a  
19 Supplemental Response, which we believe  
20 repeats a lot of what they have presented to  
21 the Court before. We were never served with  
22 this response. We did obtain it yesterday  
23 when we were checking the docket.

24 What I would like to do is just  
25 give the Court a few examples, because from  
0005

1 Proceedings  
2 our standpoint what is most telling is what  
3 we don't have and we know or believe should  
4 exist.

5 Directing the Court to our Request  
6 Nos. 18 and 19, which relates to documents  
7 concerning communications between the  
8 Debtors, Intermedia and WorldCom, concerning  
9 the Unified Communications Agreement. This  
10 is related to both our tort and contract  
11 claims. Request No. 19, which are documents  
12 relating to the termination of my client's  
13 contract with Intermedia.

14 The Debtors have produced a total  
15 of one document relating to these requests.  
16 These are, in our view, some of the most  
17 relevant documents to both our contract and  
18 tort claims. Just to give the Court a little  
19 context as to why these documents are so  
20 relevant, we have evidence now, Your Honor,  
21 that when the merger was announced in  
22 September of 2000, there was internally  
23 within WorldCom no intention of ever carrying  
24 forward with my client's contract with  
25 Intermedia. They knew that they were going  
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1 Proceedings  
2 to either sell it or take some other action  
3 with respect to not going forward with the  
4 Unified Communications Agreement.  
5 Now, the merger was closed in July  
6 of 2001. That is a crucial time period,  
7 between September of 2000 and July of 2001.  
8 We know that they have no intention of going  
9 forward right now. We know that in early  
10 2001, there were no new accounts opened. We  
11 know that the merger closed in July of 2001.  
12 We know that the head of this project for  
13 Intermedia was fired almost immediately upon  
14 the closing of the merger in 2001. We know  
15 that not only were no new accounts opened,  
16 but accounts were cancelled shortly  
17 thereafter. This all, Your Honor, didn't  
18 happen in a vacuum. It is obvious. It is  
19 plain on its face. This decision in this  
20 process was ongoing from the fall of 2000 up

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21 through July of 2001, and yet we have one  
22 single document and that document doesn't  
23 even really relate to communications between  
24 and among the Debtors. Clearly this was an  
25 ongoing process with many documents relating  
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1 Proceedings  
2 to communications. There has been no showing  
3 in any of these factual submissions as to  
4 whether we even have documents from WorldCom.  
5 It appears that the factual presentation from  
6 the Debtors so far is related only to  
7 Intermedia documents. We have attempted to  
8 get the answer to this, and we haven't been  
9 given a straight answer as to whether  
10 WorldCom has produced documents. We haven't  
11 received any electronic documents.

12 Right now, to have a single  
13 document on two of these most important  
14 requests is an indication to us -- which is  
15 the only way we can present this, since we  
16 don't know what is there -- that there are  
17 deficiencies in the production. There are  
18 other examples, Your Honor.

19 Request No. 16, relating to  
20 communications between the parties regarding  
21 the crucial Unified Communications Agreement,  
22 there are no documents produced. We have  
23 other examples. Part of what we believe,  
24 Your Honor, is because WorldCom had a  
25 competing product to our Unified  
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1 Proceedings  
2 Communications product. They basically  
3 tanked our product. That is, in part, the  
4 basis of some of our tort claims, and our  
5 unfair competition, unfair and deceptive  
6 practices claims. Yet, Your Honor, we have  
7 requested and we have received no documents  
8 relating to WorldCom's competing genD  
9 product, and we have received no response  
10 regarding our request to receive these  
11 documents.

12 We have received no documents  
13 relating to the evaluation of the Effectnet  
14 finances. Again, WorldCom had a private  
15 equity arm that was looking into an  
16 investment into Effectnet. At the same time  
17 that they were tanking our product, they were  
18 actually taking our confidential information  
19 and using it. We have requested information  
20 relating to this review of Effectnet. They  
21 have only produced some unrelated information  
22 relating to Webley. They have produced  
23 nothing relating to Effectnet, nothing  
24 relating to WorldCom Ventures, which was a

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25 private equity arm that was considering this  
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1 Proceedings  
2 advancement, that, obviously, they decided  
3 not to go forward with, because they knew  
4 that the main asset of Parus was going to be  
5 tanked.  
6 We have requested the personal  
7 files of the key actors. We have received  
8 none of that. We have received no electronic  
9 production, except there is a representation  
10 that one former employee has searched their  
11 electronic files. We have received no other  
12 electronic files from either WorldCom or  
13 Intermedia. WorldCom was not a defunct  
14 entity. It has its computer system. We have  
15 provided search terms. There has been no  
16 response, except to say that they are  
17 considering our search terms. Since that  
18 system is intact, there should just be an  
19 immediate search and then they come back to  
20 us and say, "Okay. We have the X number of  
21 documents. Let's discuss what we do with  
22 them." "It is too much." "It is too  
23 little." There has been none of this. They  
24 haven't even told us that they are searching.  
25 We don't have a shred, aside from this one  
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1 Proceedings  
2 employee of electronic documents right now,  
3 and this is the same time that they filed a  
4 summary judgment motion, Your Honor.  
5 We believe, Your Honor, that it is  
6 essential at this point with all the time and  
7 opportunity that has been granted to the  
8 Debtors to comply with their obligations,  
9 that we take depositions or a deposition of  
10 the WorldCom/Intermedia individuals who have  
11 knowledge of their document retention, their  
12 selection of documents, and their production  
13 of documents. There are significant  
14 questions that are raised by their response  
15 and their lack of clarity in the information  
16 that they are giving us as to that  
17 methodology.  
18 They have done, apparently, some  
19 sampling of documents. We don't know what  
20 their methodology was for the sampling or  
21 what percentages they used, the exact boxes  
22 that they reviewed and then disregarded.  
23 Somehow they had 10,000 boxes -- now, these  
24 are only Intermedia. Again, they haven't  
25 produced any WorldCom documents, to our  
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1 Proceedings  
2 knowledge, or at least from what they have

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3 told us. They have gone from 10,000 boxes to  
 4 450 boxes to 12 boxes. We don't know how  
 5 that occurred. The only information we have  
 6 is that they use some dates, which is fine.  
 7 That is a perfectly acceptable way to start.  
 8 We don't know how many boxes were eliminated  
 9 by the dates. We don't want documents prior  
 10 to January of 2000. If they took the  
 11 documents and separated all of the ones that  
 12 were prior to January of 2000 and said,  
 13 "Okay. That is how we got down to 450," then  
 14 that is a responsible response. However, we  
 15 don't know how they got down to 12 after  
 16 that. Again, they did some sampling. We  
 17 don't know how and we don't know why.  
 18 The other thing they say is, "Well,  
 19 we have some subject matter indexes." Well,  
 20 we have reviewed those indexes, Your Honor,  
 21 and the only subject matters that had any  
 22 type of help, at least to us -- and based  
 23 upon the submissions, there has been no  
 24 clarity with respect to how they went about  
 25 it -- were 14. Fourteen out of 10,000.

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1 Proceedings

2 There are many inconsistencies within this  
 3 group, within the indices and the ones they  
 4 have chosen for production. I am just going  
 5 to cite a few examples, Judge, but there are  
 6 many more. For example, there were five  
 7 boxes marked, quote, "MBA," unquote, for the  
 8 time period November 2000 to December 2000,  
 9 that were marked for review. There were 20  
 10 boxes with the exact same marking in a  
 11 similar date range that were not marked for  
 12 review. Now, these are not marked for  
 13 production. These are just marked for  
 14 review. I assume this means how they got to  
 15 the 10,000 to the 450.

16 There were five boxes marked,  
 17 quote, "Tampa FL, Florida," unquote, with a  
 18 submarking "CS + SOL&P Files-E," close quote.  
 19 There were five of those boxes, Judge, that  
 20 were marked for selection for review and 60  
 21 boxes with the same designation and a similar  
 22 date range that were not reviewed.

23 There were three boxes with a  
 24 marking "BEV File Cabinet" that were marked  
 25 for review. There were 11 others that were

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1 Proceedings

2 not selected.

3 Your Honor, we need, as I said, in  
 4 our view, a deposition on both the hard copy  
 5 documents and the electronic documents. We  
 6 believe, based on the lack of production on

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7 these important group of documents, based on  
8 the inconsistencies, based on the lack of  
9 information with regard to the selection, the  
10 culling, and how they went about producing  
11 the documents, aside from the fact that there  
12 may have been some date elimination, which is  
13 reasonable, we believe the only way to go  
14 about it at this point is to depose a quick  
15 deposition or depositions of the people who  
16 were responsible for the maintenance,  
17 storage, retention, indexing and the  
18 electronic document production.

19 JUDGE GONZALEZ: All right.

20 WorldCom?

21 MR. FRIEDMAN: Judge, just one more  
22 thing. I would also like some type of Court  
23 ordered production date for their full  
24 production of documents, if the Court is  
25 going to grant our motion to compel; or if

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1 Proceedings

2 the Court is going to grant it in a limited  
3 fashion with respect to some of the documents  
4 that I identified. In that interim, we are  
5 requesting depositions of the witnesses with  
6 the right to renew, based upon the  
7 information that we get. Thank you.

8 JUDGE GONZALEZ: All right. The  
9 Debtors?

10 MR. DRISCOLL: Thank you, Your  
11 Honor. Robert Driscoll for WorldCom.

12 Like all document requests, Parus  
13 Holdings' document requests in this matter  
14 did not ask for a particular document. They  
15 asked for categories of documents. WorldCom  
16 in its production has produced documents  
17 responsive to 30 of the 31 categories that  
18 appear in the document request.

19 The motion before the Court deals  
20 exclusively with WorldCom's alleged failure  
21 to make document discovery. We have  
22 discussed before, and I am not going to  
23 belabor the Court with another discussion,  
24 about how the give and take went back and  
25 forth concerning the boxes of documents of

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1 Proceedings

2 Intermedia. It did go back and forth, and  
3 shortly after the last suggestion we made to  
4 Parus Holdings about how to proceed with that  
5 particular situation, this motion was filed.  
6 The motion does not concern the quality of  
7 our production. The motion expressly  
8 excludes electronic discovery. The motion  
9 does not mention deposition discovery. In  
10 other words, all of the things that counsel

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11 just spoke to the Court about are not  
12 addressed in the motion that is before the  
13 Court.

14 Referencing specifically WorldCom's  
15 Supplemental Response, which was filed last  
16 Thursday, WorldCom has produced in excess of  
17 29,000 pages of documents in response to  
18 Parus' document request. It has been able to  
19 locate documents responsive to 30 of the 31  
20 categories, as I mentioned to you a moment  
21 ago. It has interviewed in excess of 20  
22 current, primarily former, employees of  
23 WorldCom or Intermedia to locate documents.  
24 WorldCom's attorneys have spent in excess of  
25 350 hours just going through the Intermedia  
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1 Proceedings  
2 documents alone.

3 Now, just addressing the electronic  
4 discovery point specifically, WorldCom has  
5 produced thousands of e-mail copies to Parus  
6 Holdings. Approximately eight boxes of those  
7 e-mails were reviewed by our attorneys and  
8 tens of hundreds of e-mails were produced in  
9 response to that. Attached to our  
10 Supplemental Opposition, Your Honor, are the  
11 indices of the documents produced by WorldCom  
12 in this matter. Those include advising  
13 whether they came from some source other than  
14 the Intermedia boxed documents or those boxed  
15 documents. In excess of 6,482 of the  
16 produced documents are not from the  
17 Intermedia boxes. They are from other  
18 sources, including these electronic  
19 documents -- the paper version of these  
20 electronic documents -- that have, in fact,  
21 been produced.

22 I would submit, Your Honor, that on  
23 the evidence before the Court, WorldCom under  
24 the current situation has made reasonable  
25 efforts to find, locate, review, and produce  
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1 Proceedings  
2 documents that are responsive to their  
3 request.

4 JUDGE GONZALEZ: When are you going  
5 to finish?

6 MR. DRISCOLL: I am sorry?

7 JUDGE GONZALEZ: When are you going  
8 to finish your review and complete your  
9 production?

10 MR. DRISCOLL: Consistent with our  
11 obligations under the rules, those efforts  
12 continue. But as far as the documents --

13 JUDGE GONZALEZ: What are you  
14 looking at today? I don't want to waste a

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15 lot of time. I have spent enough time on the  
16 discovery dispute. When is your initial  
17 review going to be complete?

18 MR. DRISCOLL: It is complete, Your  
19 Honor.

20 JUDGE GONZALEZ: What are you  
21 reviewing now?

22 MR. DRISCOLL: Nothing in  
23 particular, other than trying to find  
24 additional witnesses and additional  
25 documents.

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2 JUDGE GONZALEZ: So you have  
3 produced every document?

4 MR. DRISCOLL: That we believe are  
5 responsive to the document request that we  
6 know about.

7 JUDGE GONZALEZ: An issue that  
8 Parus Holdings has raised is how you  
9 discriminated among the documents; is that  
10 correct?

11 MR. DRISCOLL: How we what?

12 JUDGE GONZALEZ: How you  
13 discriminated among the documents. How you  
14 determined which documents to produce and how  
15 you determined boxes were not relevant, that  
16 is an issue that they have raised.

17 MR. DRISCOLL: Your Honor, that  
18 issue was addressed in Mr. Ramsey's affidavit  
19 in our initial response to the Court.

20 Mr. Ramsey advised in that affidavit -- and I  
21 think it is paragraph 3, but I am going by  
22 raw memory here -- precisely how he and the  
23 lawyers under his supervision went about  
24 selecting the boxes to review. They are  
25 those that cover the date ranges pre the

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2 November 2000 contract at issue. I believe  
3 they started in January of 2000 and went  
4 through 2002. The contract was terminated in  
5 April of 2002. That was the date range.

6 They looked at box descriptions,  
7 and if the descriptions fit the document  
8 requests, those were pulled. If there were  
9 descriptions that did not fit, but we  
10 couldn't tell what it was, those were pulled.

11 With regard to the sampling that  
12 counsel said he didn't know about, on August  
13 12th -- and this appears as Exhibit 2 to our  
14 Supplemental Opposition -- I wrote to counsel  
15 for Parus Holdings and advised him precisely  
16 how the sampling took place and advised him  
17 that what we had done was where we couldn't  
18 tell from a description on a box, if it



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19 looked like it might have something, that we  
20 would sample boxes of that sort. If it  
21 turned out there were responsive things in  
22 the boxes with that label, we pulled them all  
23 and we looked at them all. That is in  
24 writing and it is in evidence in this Court.

25 JUDGE GONZALEZ: So you have  
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1 Proceedings  
2 completed that process, in your view?  
3 MR. DRISCOLL: Yes, sir.  
4 JUDGE GONZALEZ: At least one  
5 example is mentioned. There is only one  
6 document produced with respect to a specific  
7 category, and that, at least in Parus  
8 Holdings' view, there should have been  
9 considerably more. Is there any response to  
10 that, as to the accuracy of the description  
11 of what was produced and the number of  
12 documents related to that category that were,  
13 in fact, produced?

14 MR. DRISCOLL: When counsel is  
15 speaking, I can look at the document index to  
16 make, at least, a paper review of that. At  
17 the moment, I can't respond to that  
18 factually, because I don't know. But I can  
19 find out the answer to that and provide the  
20 answer to the Court, if the Court wishes.

21 JUDGE GONZALEZ: All right.

22 MR. DRISCOLL: Excuse me, Your  
23 Honor. May I ask counsel a question as to  
24 the document number?

25 JUDGE GONZALEZ: Go ahead.

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2 MR. FRIEDMAN: It is 18 and 19.

3 MR. DRISCOLL: 18 and 19. Thank  
4 you, Your Honor.

5 MR. FRIEDMAN: I believe I can help  
6 out counsel on 18, because I can quote from  
7 his response.

8 JUDGE GONZALEZ: Just speak into  
9 the microphone though, please.

10 MR. FRIEDMAN: Yes. May I respond  
11 to a few points, Your Honor?

12 JUDGE GONZALEZ: All right. Go  
13 ahead.

14 MR. FRIEDMAN: With respect to  
15 Request No. 18, which, again, are documents  
16 relating to communications between WorldCom  
17 and Intermedia, especially preclosing of the  
18 merger, relating to the Intermedia product,  
19 the Intermedia product with my client, the  
20 Unified Communications product, where we know  
21 there are thousands upon thousands of  
22 documents. There just has to be.

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23 This is the response from their  
24 papers: "WorldCom has not located any  
25 documents regarding communications between  
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1 Proceedings  
2 WorldCom and Intermedia regarding the general  
3 agreement between Intermedia and Parus  
4 Holdings' predecessor Effectnet."

5 According to the indices that they  
6 have provided, there is not one single  
7 document on Request No. 19, which relates to  
8 the termination of our product; and I went  
9 through other examples as well. These are  
10 just examples. When we look at paragraph 3  
11 of Mr. Ramsey's affidavit, he doesn't give  
12 any information as to the percentages they  
13 used for sampling the methodology. All he  
14 does say, which is repeated in the letter,  
15 is: "We have done some sampling." For  
16 example, if there were five boxes and they  
17 didn't appear to be relevant with the same  
18 label, then we went on to the next. But  
19 there are inconsistencies, as I said. I have  
20 only pointed out three inconsistencies, Your  
21 Honor. We need to get to the bottom of this.

22 What has been presented to us, they  
23 have told they are complete with their  
24 production. There is almost nothing relating  
25 to these communications between the parties,  
0023

1 Proceedings  
2 almost nothing relating to the Unified  
3 Communications.

4 Counsel says that they have  
5 produced e-mails. I am not quite clear yet  
6 whether they have searched the system --  
7 because that is where the documents are going  
8 to be, on their system -- or whether these  
9 were printed out hard copy e-mails. That is  
10 not what we are talking about. In our view,  
11 those are hard copy documents. As the Court  
12 well knows from handling the WorldCom matter,  
13 that most relevant documents are going to be  
14 e-mails between the parties that are taken  
15 from the system. WorldCom has their system.  
16 It is readily accessible. We have received  
17 zero documents from that. We have received  
18 zero documents from Intermedia's electronic  
19 system.

20 Now, counsel is correct when he  
21 says that, as a technical matter, we did not  
22 move to compel on these electronic search  
23 issues, because the day before we filed our  
24 motion to compel, we received a communication  
25 from Debtors' counsel saying, "Oh, we have  
0024

1101wcm-parus(1).txt

1 Proceedings

2 now located all these backup tapes." Since  
3 that time, and what our position was from the  
4 beginning, Your Honor, is, "Okay. Well,  
5 let's try to develop a factual record." So  
6 we have asked them, "Well, what is going to  
7 be involved in this?" "Can we reduce the  
8 servers?" "Can we do this? Can we do that?"  
9 We have gotten wildly inconsistent  
10 information. They told us first \$900,000.  
11 Then they submitted an affidavit that said it  
12 ranges between \$500,000 and \$2 million. We  
13 have no idea right now what it is going to  
14 take to get these documents. Right now, at  
15 this point, we have two and a half weeks  
16 until we file our summary judgment response,  
17 Your Honor. We need to get this information  
18 immediately. That is why we had asked for  
19 depositions, and that is why we believe  
20 depositions are necessary, because there are  
21 more questions right now, than answers.  
22 JUDGE GONZALEZ: When is the  
23 summary judgment scheduled right now?  
24 MR. FRIEDMAN: The hearing is on  
25 December 6th, and our responsive papers are  
0025

1 Proceedings

2 due November 18th.

3 JUDGE GONZALEZ: All right. Do the  
4 Debtors have anything further?

5 MR. DRISCOLL: Yes, Your Honor,  
6 very briefly.

7 With regard to the summary judgment  
8 response, nothing in the motion for summary  
9 judgment requires evidence. These are  
10 matters purely of law and contract  
11 interpretation. That is number one. Number  
12 two, with regard to electronic discovery, we  
13 did not receive until a week ago from Parus  
14 Holdings, the parameters of the desired  
15 search, consisting of names of people and  
16 search terms. The practicalities of what has  
17 been requested are being investigated. But  
18 that investigation just started, because we  
19 didn't have the information as to what they  
20 wanted. Now, we do.

21 JUDGE GONZALEZ: All right. What I  
22 am going to order is Parus Holdings can take  
23 the depositions regarding the hard copy  
24 production. Hold off on the electronic until  
25 you are getting a full response from  
0026

1 Proceedings

2 WorldCom. After that, I will give you 15  
3 days to take the depositions. If necessary,  
4 the Court will entertain another request for

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5 a discovery conference with respect to the  
6 motion to produce.

7 All right. So I assume I will hear  
8 from you sometime after the next 15 days.

9 MR. FRIEDMAN: Thank you, Your  
10 Honor.

11 MR. DRISCOLL: Thank you, Your  
12 Honor.

13 JUDGE GONZALEZ: All right. Thank  
14 you.

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2 C E R T I F I C A T E

3 S T A T E O F N E W Y O R K )

: S S:

4 C O U N T Y O F N E W Y O R K )

5

6 I, DEBORAH HUNTSMAN, a Shorthand  
7 Reporter and Notary Public within and for the  
8 State of New York, do hereby certify:

9 That the within is a true and  
10 accurate transcript of the Digitally Recorded  
11 Proceedings recorded on the 1st day of  
12 October, 2005.

13 I further certify that I am not  
14 related by blood or marriage to any of the  
15 parties and that I am not interested in the  
16 outcome of this matter.

17 IN WITNESS WHEREOF, I have hereunto  
18 set my hand this 3rd day of October, 2005.

19

20 DEBORAH HUNTSMAN

21

22

23

24

25

# Exhibit P

Donald Ramsay 11/14/2005

2

1  
2 UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
3 -----x  
4 IN RE:  
WORLD COM, INC., ET AL  
5 REORGANIZED DEBTORS No. 02-13533  
6 -----x  
7  
8  
9  
10 DEPOSITION OF DONALD C. RAMSAY  
11 New York, New York  
12 Monday, November 14, 2005  
13  
14  
15  
16  
17  
18  
19  
20 Reported by:  
Miriam Kaplan  
21 JOB NO. 179103  
22  
23  
24  
25

1  
2 APPEARANCES:  
3  
4 KELLEY DRYE & WARREN, LLP  
5 Attorneys for PARUS HOLDINGS, INC.  
6 101 Park Avenue  
7 New York, New York 10178  
8 BY: KEVIN J. SMITH, ESQ.  
9  
10 STINSON MORRISON HECKER, LLP  
11 Attorneys for WORLD COM, INC.  
12 1201 Walnut Street  
13 Kansas City, MO, 64106  
14 BY: ROBERT L. DRISCOLL, ESQ.  
15  
16  
17  
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19  
20  
21  
22  
23  
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1  
2 November 14, 2005  
3 10:40 a.m.  
4  
5 Deposition of DONALD C. RAMSAY, held  
6 at the offices of Kelley Drye & Warren, 101  
7 Park Avenue, New York, New York, pursuant  
8 to Notice, before Miriam Kaplan, a Notary  
9 Public of the State of New York.  
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2 IT IS HEREBY STIPULATED AND AGREED, by  
3 and between counsel for the respective parties  
4 hereto, that the filing, sealing and  
5 certification of the within deposition shall  
6 be and the same are hereby waived;.  
7 IT IS FURTHER STIPULATED AND AGREED  
8 that all objections, except as to the form of  
9 the question, shall be reserved to the time of  
10 the trial;  
11 IT IS FURTHER STIPULATED AND AGREED  
12 that the within deposition may be signed  
13 before any Notary Public with the same force  
14 and effect as if signed and sworn to before  
15 the Court.  
16  
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Donald Ramsay 11/14/2005

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1  
2 DONALD C. RAMSAY, called as a witness, having  
3 been duly sworn by a Notary Public, was  
4 examined and testified as follows:  
5 EXAMINATION BY  
6 MR. SMITH:  
7 Q. Please state your name for the record.  
8 A. Donald C. Ramsay.  
9 Q. Please state your address for the  
10 record.  
11 A. 4940 West 151 Terrace, Leewood, Kansas  
12 66224.  
13 MR. DRISCOLL: I'd like to put on a  
14 statement.  
15 MR. SMITH: Okay.  
16 MR. DRISCOLL: Which is simply that  
17 Mr. Ramsay is here today, as we all know, to  
18 provide deposition testimony as authorized by  
19 Judge Gonzales on November 1, concerning the  
20 hard copy document production made by WorldCom  
21 in this proceeding. And as I advised you and  
22 other counsel in this firm, this would, of  
23 course, include his discoverable information  
24 that he may have concerning maintenance  
25 storage retention and indexing of documents

1  
2 documents and production of documents, on the  
3 transcript page 10 of the November 1 hearing,  
4 as well as, on page 13 of that hearing, where  
5 we requested and it was granted that  
6 deposition or depositions of the people who  
7 are responsible for the maintenance, storage,  
8 retention, indexing, production of the  
9 documents here in this proceeding. And we  
10 just -- I just note that for the record, not  
11 to get into an argument with you, but to make  
12 sure that it's clear from our position what  
13 the purpose of the deposition is.  
14 MR. DRISCOLL: Yes. Miss Kaplan, would  
15 you mark this, please?  
16 MR. SMITH: I'm not going to have you  
17 marking Exhibits. I will mark Exhibits, and I  
18 understand your statement. Your statement is  
19 what it is, and my statement is what it is.  
20 It's my deposition, Mr. Driscoll. I'm not  
21 going to have you mark Exhibits until the end  
22 of the deposition. I let you, as a courtesy,  
23 make a statement on the record, and I  
24 appreciate that, but I'd like to get my  
25 deposition started with Mr. Ramsay.

5

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1  
2 involved in WorldCom's hard copy production.  
3 That's it.  
4 MR. SMITH: Just to clarify one minor  
5 point which might be a matter of semantics, is  
6 that the deposition of -- since you produced  
7 Mr. Ramsay, is the deposition of Mr. Ramsay,  
8 it's pursuant to the Judge's order, which may  
9 be a matter of semantics in your use of the  
10 word authorized versus order.  
11 MR. DRISCOLL: No. I'm referring to the  
12 statement by The Court, page 25 of the  
13 November 1 transcript. "What I'm going to  
14 order, is Parus Holdings can take the  
15 depositions regarding the hard copy  
16 production". That's what I'm referring to.  
17 MR. SMITH: I understand. And I for the  
18 record, it's our position that Mr. Ramsay, or  
19 anyone else for that matter from the debtors,  
20 should be deposed concerning not only the hard  
21 copy production, but also as was requested and  
22 granted in our view at the November 1 hearing,  
23 the deposition or depositions of WorldCom  
24 Intermedia individuals who have knowledge of  
25 their document retention selection, of

1  
2 MR. DRISCOLL: That's fine. But this  
3 document will be marked as an Exhibit. It is  
4 a copy of my letter to you and your colleagues  
5 dated November 4 on the subject of what is a  
6 proper subject matter for this particular  
7 deposition. It is appropriate to have it on  
8 the record now, but it can wait.  
9 MR. SMITH: Well, I think your statement  
10 is on the record.  
11 Q. Now, to get the deposition started.  
12 Mr. Ramsay, good morning. As I mentioned before  
13 my, name is Kevin Smith. I'm an attorney here at  
14 Kelley Drye & Warren. Kelley Drye represents the  
15 claimant in the WorldCom bankruptcy by the name  
16 Parus Holdings Inc. As Mr. Driscoll and I have  
17 discussed, we're here to take your deposition  
18 concerning, among other things, the hard copy  
19 production of documents by the debtors in this  
20 proceeding by order of the court. I understand  
21 you're an attorney; correct?  
22 A. Correct.  
23 Q. And you're an attorney at Stinson,  
24 Morrison, Hecker in Kansas City?  
25 A. I am. Let me say real quickly. My

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1  
2 voice is sometimes hard to understand, it doesn't  
3 carry. Either one of you don't hesitate to stop me  
4 and ask me to repeat if you don't hear what I'm  
5 saying. It's a raspy voice, and I understand it  
6 doesn't carry sometimes.  
7 Q. Very well, thank you.  
8 A. Yeah.  
9 Q. I understand you're an attorney. I'll  
10 cover a couple of quick ground rules for the  
11 deposition. Please let me ask the question before  
12 you start to answer, and I'll try to complete it,  
13 or let you complete your answer before I ask you  
14 another question, and if you can do the same, that  
15 way the court reporter can take everything down.  
16 A. I'll do my best.  
17 Q. If you need to take a break, let me  
18 know. We can take a break whenever you want to  
19 take a break. The only thing I ask, is that you  
20 answer any questions that are pending before we do  
21 take a break, okay?  
22 A. That's fine with me.  
23 Q. Did you prepare in any way for today's  
24 deposition?  
25 A. I did.

1  
2 A. Week ago on a Monday, I believe was the  
3 first time.  
4 Q. Did you meet with all of the individuals  
5 that you mentioned, Mr. Driscoll and Miss Murdock,  
6 Mr. Hoss?  
7 A. Mrs. Hoss.  
8 Q. Miss Hoss, okay, and Mr. Befort?  
9 A. On that day I don't believe so, no.  
10 Q. Who did you meet with on that day?  
11 A. I don't believe Miss Hoss was there or  
12 Mr. Befort, as I recall.  
13 Q. So your recollection is?  
14 A. To the best of my recollection.  
15 Q. Your recollection is about a week ago  
16 today, you met with Mr. Driscoll and Miss Murdock?  
17 A. Correct.  
18 Q. How long was the meeting, approximately?  
19 A. Again I'm not hundred percent certain,  
20 but it was probably three hours approximately.  
21 Q. Did you review any documents during that  
22 meeting?  
23 A. Yes.  
24 Q. What were the documents?  
25 A. I'm gonna have trouble remembering which

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11

1  
2 Q. How did you do that?  
3 A. I met with Mr. Driscoll and others that  
4 have been involved in the litigation to review the  
5 facts.  
6 Q. When did you meet with Mr. Driscoll?  
7 A. On several days over the past week.  
8 Q. When you met with Mr. Driscoll, did you  
9 also meet with the other individuals who have been  
10 involved in the litigation?  
11 A. I did.  
12 Q. Who are the other individuals?  
13 A. Allison Murdock, Jodi Hoss and I  
14 believe, very briefly Jeff Befort.  
15 Q. How many meetings did you have?  
16 A. I'm not certain about this, but four,  
17 five.  
18 Q. When was the first meeting with  
19 Mr. Driscoll and the others?  
20 A. Again I'm having trouble remembering  
21 exactly, but I believe it was a week ago today.  
22 I'm not certain about that, but I believe that was  
23 the first time.  
24 Q. You believe November 7 may have been the  
25 first one?

1  
2 documents I reviewed at which time. I don't  
3 remember which ones I reviewed in that initial  
4 meeting.  
5 Q. When was the next meeting?  
6 A. I believe it was Tuesday.  
7 Q. How long was that meeting?  
8 A. Similar amount of time, approximate  
9 three hours. I don't have the times, but something  
10 like that.  
11 Q. And again, was this meeting with just  
12 Mr. Driscoll and Miss Murdock, or someone else as  
13 well?  
14 A. I believe, Miss Hoss joined us for this  
15 meeting.  
16 Q. Just for the record, Mr. Driscoll and  
17 Miss Murdock and Miss Hoss are all attorneys at  
18 Stinson Morrison; is that correct?  
19 A. That's correct.  
20 Q. During the course of the deposition, I  
21 assume we all understand what I mean if I say just  
22 Stinson, we'll understand that to mean your firm;  
23 correct?  
24 A. I believe I can do that.  
25 Q. After the meeting last Tuesday, when was



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1  
2 the next meeting you had with any of the  
3 individuals you mentioned?  
4 A. I believe it was Wednesday.  
5 Q. How long was that meeting?  
6 A. Similar amount of time, three  
7 approximately, three hours. Some of these could  
8 have been more or less, something like that.  
9 Q. When you say more or less, by  
10 approximately how much time more or less?  
11 A. An hour.  
12 Q. Okay, so it could be anywhere from two  
13 to four hours each of the meetings you mentioned,  
14 thus far as Monday, Tuesday and Wednesday of last  
15 week?  
16 A. Correct.  
17 Q. When was the next meeting after the last  
18 Wednesday meeting?  
19 A. I believe it was Friday. I don't  
20 believe we met on Thursday, as best as I recall,  
21 but I don't think we did.  
22 Q. How long was your meeting on Friday?  
23 A. Approximately three hours, something  
24 like in that range, same two to four.  
25 Q. Two to four hours, okay.

1  
2 A. Robert Driscoll, Allison Murdock and  
3 Jodi Hoss.  
4 Q. Did you have any other meetings?  
5 A. Not that I recall.  
6 Q. Okay.  
7 At any of these meetings described, was  
8 anyone from the debtors present?  
9 A. No.  
10 Q. Was anyone else present?  
11 A. I don't recall anyone else being  
12 present. No I don't think so.  
13 Q. At any of these meetings, I think you  
14 mentioned earlier, that you did review documents;  
15 correct?  
16 A. I did.  
17 Q. Do you recall what documents you  
18 reviewed?  
19 A. Let's see if I can give you a complete  
20 list. I'll try, and as we go along, if I think of  
21 anything I'll say. I reviewed the motion to  
22 compel. I'm not certain I reviewed all of the  
23 attachments, but I reviewed a number of them, quite  
24 a few attachments to them. I reviewed our response  
25 and attachments. I reviewed our supplemental

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1  
2 Did you have any meeting after the  
3 Friday meeting?  
4 A. Saturday morning.  
5 Q. Just getting back for one second. At  
6 the Wednesday meeting, who was present at that  
7 meeting?  
8 A. Bob Driscoll, Allison Murdock, Jodi  
9 Hoss. On one of these meetings, Jeff Befort was  
10 there for a little bit of time. It probably was  
11 Wednesday.  
12 Q. Was Mr. Befort at any of the other  
13 meetings?  
14 A. I don't believe so, not that I recall.  
15 Q. In the Friday meeting, was it  
16 Mr. Driscoll, Miss Murdock and Miss Hoss present,  
17 as well?  
18 A. Yes, yes.  
19 Q. How long was the Saturday meeting?  
20 A. Three hours. I'm a little more  
21 confident on the time on that. It was about 9 to  
22 noon. Actually it might have been 9 to 11:30, it  
23 wasn't past noon.  
24 Q. Who was present for the Saturday morning  
25 meeting?

1  
2 response and attachments. I reviewed indexes of  
3 boxes of documents, indexes. I think that's all.  
4 I think that is all. If I think of anything else  
5 as we go along, I'll say something. Something you  
6 ask may jog my memory, but I think that's it. Oh,  
7 I'm sorry, I did review the request for production  
8 of documents.  
9 Q. Did you review the debtors response and  
10 objections in the documents?  
11 A. I did to some extent. I reviewed parts  
12 of that, I'm sure.  
13 Q. Did you review -- did you review any  
14 handwritten notes?  
15 A. No.  
16 Q. Just very briefly, what is your legal  
17 background. Where, for example, where did you go  
18 to Law School, how long have you been practicing  
19 law, what states do you have your bar license in?  
20 A. Sure, sure. I can give you a real  
21 quick -- I went to the University of Kansas. I've  
22 been practicing law approximately 30 years. I'm  
23 licensed to practice in Kansas and Missouri.  
24 Q. What is your practice in the past five  
25 years, let's say?

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1  
2 A. Business, commercial litigation with  
3 some focus on document production in large  
4 litigation.  
5 Q. When you say focus on document  
6 production in large litigation?  
7 A. I'd say an area of focus in my practice  
8 -- I've done this a number of times, multiple times  
9 that have involved large litigation, my  
10 responsibility related to the document production  
11 issues.  
12 Q. What were the other litigations that  
13 you were involved in that dealt with, that your  
14 role was with respect to the document productions?  
15 A. Their have been a number of them.  
16 Again, I'm not sure that I can give you the names  
17 of all of them, but among them would be, and I  
18 guess it's okay to name them, the name of the  
19 parties.  
20 MR. DRISCOLL: Is the name of the client  
21 important, or is the kind of matter more  
22 important, because the name of the client, I'd  
23 say he should stay away from, or clients?  
24 MR. SMITH: Well, if the name of your  
25 client is privileged in some way, I can

1  
2 distributor, that sort of thing. A number of them  
3 were construction.  
4 Q. In the Sprint litigation you mentioned,  
5 how many documents were produced in that case, if  
6 you can recall, by Sprint?  
7 A. I don't recall the total number, I real  
8 don't. It's many more than are involved in this  
9 case, but 30 boxes perhaps. I don't remember  
10 exactly. That's a guess. I shouldn't guess at  
11 that. It's a large number.  
12 Q. How about with respect to the  
13 construction litigations you mentioned.  
14 Approximately how many documents would you say were  
15 produced in that case?  
16 A. Hundred boxes.  
17 MR. DRISCOLL: Just so the record is  
18 clear, the hundred boxes is the volume of  
19 boxes produced.  
20 THE WITNESS: I think so. We  
21 reviewed --  
22 MR. DRISCOLL: Well, I just want it to  
23 be clear that was your question, wasn't it  
24 counsel?  
25 MR. SMITH: Correct.

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19

1  
2 understand.  
3 MR. DRISCOLL: It's not. It's his  
4 involvement.  
5 MR. SMITH: Let me -- maybe I'm not  
6 going to get into details of what exactly you  
7 did in terms of the exact nature, but based on  
8 what he described as he's been involved in,  
9 I'd like to know what the names of the  
10 litigations were, meaning, it was --  
11 MR. DRISCOLL: So long as we're just  
12 talking --  
13 MR. SMITH: Generalities.  
14 MR. DRISCOLL: Generalities.  
15 MR. SMITH: That's fine.  
16 MR. DRISCOLL: Okay, thank you.  
17 A. It would include Blacken Beach  
18 (spelling) versus Farmland Industries which  
19 involved constructions, and it includes some  
20 several Sprint -- our client was Sprint, class  
21 action matters involving billing, universal service  
22 fund, charges, that sort of thing, and a number of  
23 other construction cases involving conveyor systems  
24 for commercial mailing companies, construction of a  
25 mayonnaise facility, construction of a beer

1  
2 MR. DRISCOLL: Not volume reviewed?  
3 MR. SMITH: Correct.  
4 A. I'm not absolutely certain about that,  
5 but that's kind of my memory.  
6 Q. In the litigation you just mentioned,  
7 where hundred boxes approximately, I'm not going to  
8 hold you to that, were produced, how many were  
9 reviewed?  
10 A. Well, you're asking me to reach back  
11 quite a while. We reviewed one number -- I  
12 remember over 900 hundred boxes of documents  
13 produced by Blacken Beach (spelling) for their  
14 production. In our production, I don't remember  
15 how many we reviewed. What I remember is a room, a  
16 large room, full of boxes, and I don't remember how  
17 many there were. I don't know that we counted  
18 them, and they weren't all boxes, they were file  
19 cabinets in some cases. I don't...  
20 Q. What was your role in connection with  
21 the production of documents in this proceeding?  
22 A. I was responsible for locating,  
23 coordinating, locating documents, coordinating,  
24 review of the documents.  
25 Q. When were you first assigned that role?

Donald Ramsay 11/14/2005

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22

1  
2 A. Oh, I was have to say it evolved. I  
3 started in the litigation doing a variety of  
4 things. It kind of evolved. I don't know if I can  
5 put a date on it.  
6 Q. When did you first attempt to locate  
7 documents in connection with this proceeding?  
8 A. Me personally?  
9 Q. Well, when did Stinson first try to  
10 locate documents in connection with this  
11 proceeding?  
12 A. Early fall of 2004, as I recall.  
13 Q. Were you involved in the location or  
14 review of documents at that time?  
15 A. No.  
16 Q. Do you know who was?  
17 A. Yes.  
18 Q. Who was it?  
19 A. Sharon Stolte and Larry Bigus.  
20 Q. Do you know what Sharon Stolte did in  
21 connection with locating documents, in connection  
22 with this proceeding?  
23 A. I know generally what she did is contact  
24 MCI employees or individuals, to see if they had  
25 documents that were -- that related to the issues

1  
2 they had documents relating to the issues in this  
3 proceeding.  
4 Q. Do you know who Mr. Bigus contacted?  
5 A. I know some of them, yes.  
6 Q. Who were they?  
7 A. I participated in some of the names  
8 contacted. I recall Richard Black, Kathleen  
9 Victory, Teresa Hastings, Barry Zip. I believe he  
10 may have talked to others, but I don't remember  
11 those. I was present and participated in the  
12 others.  
13 Q. Your recollection is that Mr. Bigus  
14 contacted the four individuals you named, but he  
15 may have contacted others?  
16 A. He may have.  
17 Q. At the time that Mr. Bigus was  
18 contacting these other individuals, was it still  
19 early fall 2004, or was it some other time?  
20 A. It was '04, probably mid to late fall,  
21 the ones I was aware of.  
22 Q. So would you say, late fall of 2004 was  
23 around the time that you started to become involved  
24 in the collection, or the location of the documents  
25 in connection with this proceeding?

21

23

1  
2 in this litigation.  
3 Q. Do you know if she contacted current or  
4 former MCI employees, or both?  
5 A. I'm not sure. She had a list of  
6 individuals that I'm not sure whether some of them  
7 may have been former. I'm not sure.  
8 Q. Do you know the names of any of the  
9 individuals she contacted to try to locate  
10 documents?  
11 A. I haven't been back over the list  
12 specifically, of who she tried to contact. I'd  
13 seen a list that included people I contacted, but  
14 I'm not sure as I sit here today, which ones she  
15 contacted.  
16 Q. Do you know if Miss Stolte did anything  
17 else in connection with trying to locate documents  
18 in connection with this proceeding?  
19 A. I don't know.  
20 Q. You don't know?  
21 A. I don't.  
22 Q. Do you know what Larry Bigus did in  
23 connection with trying locate documents in  
24 connection with this proceeding?  
25 A. He contacted individuals, asked them if

1  
2 A. Yes.  
3 Q. Do you know if Mr. Bigus did anything  
4 else in connection with locating documents in this  
5 proceeding?  
6 A. I know he did some other things, but I'm  
7 not sure I can describe them. I believe he may  
8 have sent e-mails -- let me back up. Sharon Stolte  
9 also sent e-mails for getting something. I know  
10 she sent e-mails to a group of individuals.  
11 Q. So Miss Stolte's contact with MCI  
12 employees was both via telephone, as well as  
13 e-mail?  
14 A. Correct.  
15 Q. Aside from contacting MCI employees to  
16 see if they had documents, do you know if Miss  
17 Stolte did anything else in connection with  
18 locating documents?  
19 A. I'm not certain. I'm not certain they  
20 were all current employees.  
21 Q. You mentioned that you recall that  
22 Mr. Bigus may have done other stuff in connection  
23 with locating documents?  
24 A. If I used that imprecise term, maybe  
25 that's kind of what it is. I know I recall that he

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1  
2 sent e-mail as well.  
3 Q. An e-mail to other either current or  
4 former employees of the debtors, to try to locate  
5 documents?  
6 A. Correct.  
7 Q. Do you know if Mr. Bigus did anything  
8 else?  
9 A. I don't know, don't recall.  
10 Q. Do you know if Miss Stolte received any  
11 responses from any of these individuals she  
12 contacted?  
13 A. I believe, she did.  
14 Q. Do you know who the responses were from?  
15 A. One of the names I can't pronounce, it's  
16 Nasser Sheikh. It's a very -- it's what I remember  
17 of it, and I believe there was a Stevens. There  
18 may be others, but I remember seeing something, a  
19 response from those. She received responses from  
20 others. By response, I mean she received some  
21 documents. She received responses from a number of  
22 them beyond that.  
23 Q. Do you recall what the nature of the  
24 responses were?  
25 A. A number of them did not have any

1  
2 (Record read.)  
3 A. Either one. I believe they did.  
4 Q. In both matters?  
5 A. No, I'm not sure about e-mail. It may  
6 have been. I don't remember. There may be.  
7 MR. SMITH: To the extent that there  
8 were e-mail responses to Miss Stolte and  
9 Mr. Bigus, in response to their requests for  
10 documents, we request a copy of those  
11 documents.  
12 Q. Do you know if Mr. Bigus received any  
13 responses from any individuals that he contacted?  
14 A. I believe that he did.  
15 Q. Do you know who from?  
16 A. Specifically, no.  
17 Q. Do you recall for which entities, or  
18 entity, any of the individuals Miss Stolte  
19 contacted were either working for at the time, or  
20 had worked for previously?  
21 A. No. The specific name of -- the  
22 corporate name of the entity that they worked for  
23 at the time, I don't recall.  
24 Q. Do you know the name of the individuals,  
25 employees that Mr. Bigus contacted?

25

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1  
2 documents relating to issues in these proceedings.  
3 Q. Do you recall what Miss Stolte's request  
4 was of them?  
5 A. Not specifically. I remember it was a  
6 very broad request for anything, as I recall,  
7 relating to EffectNet or Webley, or the  
8 relationship between the Intermedia and EffectNet  
9 or MCI, and Webley or MCI; any of those parties,  
10 anything, period. I can't recite what it said, but  
11 I remember it was very broad.  
12 Q. Do you know if Stinson still has the  
13 e-mail, or e-mails, that were sent by either Miss  
14 Stolte or Mr. Bigus to those individuals?  
15 A. I have no reason to think they wouldn't.  
16 I would think they would.  
17 MR. SMITH: I make a request for a copy  
18 of those e-mails that were sent to the  
19 individuals by Miss Stolte and/or Mr. Bigus.  
20 MR. DRISCOLL: Take it under advisement.  
21 Q. Do you know if any of the individuals  
22 who responded to Miss Stolte, responded either  
23 verbally or in an e-mail?  
24 MR. DRISCOLL: I'm sorry, could you read  
25 that back?

1  
2 A. I don't recall. I'm not sure that I  
3 knew, but I don't recall now.  
4 Q. In late fall 2004, was anyone else  
5 involved in locating, coordinating the review of  
6 documents in this proceeding?  
7 A. Other than the in-house counsel, no one  
8 from the firm, no.  
9 Q. Who from in-house counsel was involved?  
10 A. David Wachen.  
11 Q. Can you spell the last name?  
12 A. W A C H E N.  
13 Q. Was Mr. Wachen involved at the same time  
14 we've been discussing Miss Stolte's roles, or role,  
15 as well as Mr. Bigus's role?  
16 A. I believe it was.  
17 Q. What's Mr. Wachen's title; do you know?  
18 A. No.  
19 Q. You just know him to be in-house counsel  
20 at MCI?  
21 A. Correct.  
22 Q. Is Mr. Wachen still involved in this  
23 proceeding?  
24 A. I believe that he is.  
25 Q. Do you know what, if anything,

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1  
2 Mr. Wachen did in late fall, or in the fall of  
3 2004, in connection with attempting to locate, or  
4 locate documents, or coordinate review of documents  
5 in this proceeding?  
6 MR. DRISCOLL: Excuse me, that's a  
7 compound question. I missed the second part.  
8 (Record read.)  
9 MR. DRISCOLL: That's locate or  
10 coordinate.  
11 MR. SMITH: If you have an objection,  
12 I'll rephrase it.  
13 MR. DRISCOLL: It was a question of  
14 understanding.  
15 MR. SMITH: Sure.  
16 A. I don't think I can recite everything he  
17 did, but I'm aware that he sent an e-mail advising  
18 employees to retain any documents they had; they  
19 could not be destroyed. I'm aware he provided, let  
20 me hold that off. He may have been the one I'm not  
21 certain, who provided a list of individuals who  
22 might have information.  
23 Q. Do you know when Mr. Wachen sent the  
24 e-mail you mentioned, advising to retain e-mails or  
25 documents?

1  
2 advised us of those. I'm not sure, but I think so.  
3 Q. Do you know how he went about finding  
4 these documents in Virginia?  
5 A. I don't.  
6 Q. Do you know if Mr. Wachen did anything  
7 else, with respect to locating documents in this  
8 proceeding?  
9 A. As I said, I don't recall all. He put  
10 us in contact with a number of individuals, and as  
11 we went through the process, I don't recall what he  
12 did, or necessarily all the individuals, but I  
13 recall that.  
14 Q. Who were the names of the individuals he  
15 put you in contact with?  
16 A. Well the names that initial list I  
17 believe, he provided to Sharon Stolle and Larry  
18 Bigus. I believe, he put us in contact with a  
19 woman by the last name of Tate, and a Beckman.  
20 Q. What was the first name?  
21 A. I think it's Roger, I think it's Brenda  
22 Tate, and at one point put us in contact with a  
23 gentleman by the name of Mancini.  
24 Q. Do you know the first name?  
25 A. I don't remember, I don't recall. I

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1  
2 A. Part of that initial effort before I  
3 became involved, early fall, late fall, of '04.  
4 Q. Do you know who he sent the e-mail to?  
5 A. I couldn't try to list them.  
6 Q. Do you know who?  
7 A. I don't recall the list of people he  
8 sent it to.  
9 Q. Have you ever seen the e-mail that he  
10 sent?  
11 A. I have.  
12 Q. Does Stinson have it in its possession?  
13 A. I assume so.  
14 MR. SMITH: I'd like to request a copy  
15 of that e-mail as well.  
16 Q. Aside from providing the list of  
17 individuals to contact for information, did  
18 Mr. Wachen, to your knowledge, do anything else  
19 with respect to locating documents?  
20 A. I believe he did, yes.  
21 Q. What else?  
22 A. Again, I'm not certain at all, but my  
23 memory is that he put us in contact with a  
24 depository of some documents in Ashburn Virginia.  
25 I believe he's the individual who located and

1  
2 don't recall his first name.  
3 Q. Anyone else that you recall him putting  
4 you in touch with?  
5 A. As I sit here, no, I don't recall. As  
6 we go through, I may hear questions as we go  
7 through this process, I may think of something  
8 else, but at the top of my head, no.  
9 Q. Do you have any documents that would  
10 refresh your recollection, as to any other  
11 individuals he put you in contact with?  
12 A. Do I have them with me, or do they  
13 exist; what's the question?  
14 Q. Do they exist?  
15 A. There are some.  
16 Q. What are those documents?  
17 A. I have made some notes as I went through  
18 the process.  
19 Q. Anything else?  
20 A. E-mail that went back and forth might  
21 refresh my memory.  
22 Q. Do you recall anything else that  
23 Mr. Wachen did in connection with locating  
24 documents in this proceeding?  
25 A. I recall that he participated in at

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1  
2 least two phone conferences with individuals  
3 regarding back up tapes.  
4 Q. Anything else?  
5 A. That's all that's coming to mind right  
6 now. As we go through this, I'll try, something  
7 might jog my memory from your questions, but that's  
8 all I think of now.  
9 Q. With respect to the two phone  
10 conferences; were you on the phone as well?  
11 A. Yes.  
12 Q. Did you take notes of those phone calls?  
13 A. I don't recall. I may have, but I  
14 don't -- I'm not certain.  
15 Q. You mentioned a person by the name of  
16 Brenda Tate that Mr. Wachen put you in touch with?  
17 A. Correct.  
18 Q. Who is she?  
19 A. I believe, and she is one of the  
20 individuals with the WorldCom records management  
21 function.  
22 Q. She's still employed by MCI, or  
23 reorganized debtors?  
24 A. As far as I know.  
25 Q. Yes, as far as you know?

1  
2 I'm not certain whether it was early winter, mid  
3 winter, or late winter.  
4 MR. DRISCOLL: Or not yet winter of '05.  
5 A. I'm sorry -- yes I think that is when I  
6 talked to them.  
7 MR. DRISCOLL: Today, November 14, '05.  
8 A. I'm a year off on this, I'm a year off,  
9 pardon me. It would have been winter of 0 -- no it  
10 would have been January, February of '05.  
11 MR. DRISCOLL: Okay.  
12 Q. When you're referring to winter '05,  
13 right now you're referring to January, February of  
14 2005?  
15 A. Yes.  
16 MR. SMITH: If I take Mr. Driscoll  
17 correctly, you were referring to presently, as  
18 perhaps the winter of '05.  
19 MR. DRISCOLL: Obviously.  
20 A. That would be early winter. It would  
21 have been January, February of '05, or March; it  
22 could have been.  
23 Q. With respect to Miss Tate, and I assume,  
24 if you correct me if I'm wrong, Tate is spelled T A  
25 T E?

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35

1  
2 A. Yes, as far as I know.  
3 Q. Who is Roger Beckman, I believe you  
4 mentioned?  
5 A. You're asking me to reach back. I'm not  
6 certain of this, but I think he's one of the  
7 individuals who had knowledge of a group of boxes  
8 located in Ashburn, Virginia.  
9 Q. Do you know if he is employed by MCI?  
10 A. I believe, he is.  
11 Q. And you mentioned a person with the last  
12 name of Mancini?  
13 A. Correct.  
14 Q. Who is that person?  
15 A. He's also the record management function  
16 of MCI.  
17 Q. Do you know if he's still employed?  
18 A. As far as I know, yes.  
19 Q. Did you speak with each of these  
20 individuals; Miss Tate, Mr. Beckman and  
21 Mr. Mancini?  
22 A. Yes.  
23 Q. When did you speak with them?  
24 A. Would have been early winter of '05. I  
25 say earlier, it would have been winter of '05, but

1  
2 A. I believe it is.  
3 Q. Do you know what her title was at the  
4 time you spoke with her?  
5 A. I don't recall.  
6 Q. Do you know what her role was at the  
7 time you spoke with her, at WorldCom and MCI?  
8 A. Other than she worked with their records  
9 management function, I don't.  
10 Q. What, if any, information did Miss Tate  
11 provide to you?  
12 A. I'm gonna have trouble distinguishing  
13 between whether it was Miss Tate or Miss Taylor,  
14 but one or both of those individuals ultimately  
15 provided some indexes, I believe, of boxes of  
16 documents.  
17 Q. You mentioned a Miss Taylor?  
18 A. Yes.  
19 Q. Who is that?  
20 A. She's another individual that works with  
21 the records management function at MCI.  
22 Q. When did you speak with Miss Taylor?  
23 A. In that same time frame.  
24 Q. What did you request of either Miss Tate  
25 or Miss Taylor, when you spoke with them?

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1  
2 A. Their assistance in locating any  
3 documents in relation to this litigation,  
4 including, in part, documents that might have been  
5 stored by Intermedia.  
6 Q. Do you know if they had any role with  
7 respect to storage of documents with Intermedia?  
8 A. I believe, as far as I know, they didn't  
9 store them -- weren't involved in the storing of  
10 them, but they had information about them.  
11 Q. Do you know if Miss Taylor or Miss Tate  
12 worked for Intermedia at some point?  
13 A. I don't believe either did, but I'm not  
14 sure.  
15 Q. Do you know if Mr. Beckman or  
16 Mr. Mancini, ever worked for Intermedia?  
17 A. I don't recall, I don't believe so, but  
18 I don't recall for sure.  
19 Q. Did you -- when you made the request of  
20 Miss Taylor and Miss Tate, did you make the request  
21 verbally or in writing? You mentioned before, you  
22 made a request.  
23 A. I believe there was some of both.  
24 Q. What do you mean, some of both?  
25 A. Writing and verbal.

1  
2 Q. What, if any, information did you  
3 request from Mr. Beckman and Mr. Mancini?  
4 A. I'll break each part separately.  
5 Mr. Mancini I spoke to on at least two occasions  
6 about Intermedia's backup tapes, or where we might  
7 find their electronic stored documents, if there  
8 were any. Mr. Beckman, I believe, I spoke to  
9 regarding the documents stored at Ashburn,  
10 Virginia.  
11 Q. Did anyone from Stinson ever send Mr.  
12 Beckman anything in writing concerning documents?  
13 A. I don't recall if we did.  
14 MR. SMITH: I make a request for any of  
15 the materials or documents that were sent to  
16 either Miss Taylor, Miss Tate, Mr. Mancini at  
17 this time, and I'm putting -- excuse me, not  
18 Mr. Mancini, Mr. Beckman. I'm going to put  
19 Mr. Mancini on the side for the moment,  
20 because as I understand the Court's order,  
21 we're not here concerning a discovery or  
22 e-mail productions, so I will reserve my  
23 rights as to that, but I'm not going to go  
24 beyond what the Court's order is.  
25 Q. When Stinson made the requests for

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1  
2 Q. Did you send them an e-mail, send them a  
3 letter; how did you communicate with them in  
4 writing?  
5 A. I believe Mr. Bigus sent an e-mail that  
6 described what we were looking for. I may have as  
7 well. I'm not certain. It may depend on who  
8 you're talking about. We've got three, four  
9 individuals here.  
10 Q. I take from your last statement that you  
11 may have, for example, spoken with Miss Taylor, but  
12 sent an e-mail or something in writing to Miss Tate  
13 or visa versa?  
14 A. I'm confused. I spoke with all those  
15 individuals.  
16 Q. Okay. Did you ever send Miss Taylor or  
17 Miss Tate, Mr. Beckman or Mr. Mancini, anything in  
18 writing?  
19 A. Me personally?  
20 Q. You or Stinson?  
21 A. I believe so, yes.  
22 Q. You think Stinson may have sent  
23 something in writing to either Miss Taylor or Miss  
24 Tate, Mr. Beckman or Mr. Mancini?  
25 A. I believe so.

1  
2 documents, whatever it may have been, to Miss  
3 Taylor, Miss Tate or Mr. Beckman, did it include a  
4 request for documents from -- strike that.  
5 I apologize.  
6 When Stinson sent requests for documents  
7 to Miss Taylor, Miss Tate, or Mr. Beckman, what  
8 entities were the documents sought from?  
9 A. If I can back up just a little. Your  
10 question includes three individuals. I don't  
11 recall that we sent requests to all these -- of  
12 those individuals, so I couldn't say. I can add to  
13 the point, I think that we did not limit the  
14 request to specific corporate entities, and I say  
15 request. They may have been by phone. To the  
16 extent I recall my conversations, we did not put  
17 any corporate entity limits on.  
18 Q. What was the name of the entities that  
19 were used in the request, whether it was verbal or  
20 written?  
21 A. I don't recall.  
22 Q. Do you recall if it included requests  
23 for any Intermedia entities?  
24 A. I believe it would have included  
25 Intermedia, yes.

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1  
2 Q. Do you recall what the time frame was  
3 with respect to the request?  
4 A. The general time frame we were working  
5 from, and I can't necessarily recall with regard to  
6 each conversation, but general time frame was from  
7 January 1, 2000 through the end of 2002, the period  
8 we thought was -- should include anything.  
9 Q. Prior to, strike that.  
10 Do you know what function Miss Taylor  
11 had at the time you were speaking with her?  
12 MR. DRISCOLL: You mean job?  
13 MR. SMITH: Correct.  
14 A. Other than she worked with the Records  
15 Management Group, no.  
16 Q. Do you know what records, either she or  
17 her group oversaw?  
18 A. I believe they oversaw all stored  
19 documents.  
20 Q. Stored documents of what entities?  
21 A. All.  
22 Q. When you say all, what does that  
23 include?  
24 A. Well, I believe it's my understanding  
25 there's some 200 entities involved here. It's also

1  
2 into perhaps January, February 2004?  
3 A. '05.  
4 Q. Excuse me, 2005, thank you.  
5 Mr. Hasselvander either contacted you,  
6 or you contacted him as a result of your speaking  
7 with either Mr. Wachen, Miss Taylor, Miss Tate or  
8 Mr. Beckman or Mr. Mancini?  
9 A. Correct.  
10 Q. Do you know what Mr. Hasselvander's  
11 function was at the time you spoke with him, in  
12 connection with records management?  
13 A. I don't recall his title, but I believe  
14 he's some supervisory capacity over one or more of  
15 these other individuals. I believe, he may be the  
16 head of that function, stored records. I believe,  
17 he is. I'm not certain.  
18 Q. What did Mr. Hasselvander say to you in  
19 connection with his group's function of storing  
20 WorldCom documents?  
21 A. Well, I had a number of conversations  
22 with them. I'm not sure generally- if you're  
23 referring to whether it crossed corporate lines, I  
24 asked him the question, and he said yes.  
25 Q. You asked him -- what question did you

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1  
2 my understanding, that their function relating to  
3 it crosses all the corporate entities, whether I  
4 can tell you 199 -- my understanding is, it's all.  
5 Nobody gave me a list of them, but.  
6 Q. Where did you gain that understanding,  
7 that she had, or her group, had a role of  
8 overseeing storage of all of the documents?  
9 A. From conversations with Phil  
10 Hasselvander.  
11 Q. Can you spell the name for me?  
12 A. H A S S E L V A N D E R.  
13 Q. Where is he from?  
14 A. He's with their records management  
15 function. I'm not sure where he's located.  
16 Q. Is this Mr. Hasselvander, is he another  
17 individual that Mr. Wachen put you in touch with?  
18 A. Indirectly. I think that may be as I --  
19 this is -- I'm not certain of this, but I believe  
20 that one of the others ultimately referred me to  
21 him, or he contacted me as a result of my  
22 conversations with one of the other individuals  
23 with the records management.  
24 Q. So your recollection, just so I'm clear,  
25 at some point in either late fall of 2004 going

1  
2 ask him?  
3 A. I asked him -- at one point, I said we  
4 had a large group of Intermedia documents. I said  
5 ask him if his searches done by computer would be  
6 limited by corporate lines, and he said no, this  
7 would cross all corporate lines.  
8 Q. When we say all corporate lines, that  
9 would include all Intermedia entities, all WorldCom  
10 entities, or MCI entities?  
11 A. That's my understanding.  
12 Q. Do you know the name of the group or the  
13 entity at WorldCom that Mr. Hasselvander and the  
14 others worked for?  
15 A. Yes. RIM, records information  
16 management.  
17 Q. Do you know what they're a subsidiary  
18 of, an affiliate of one of the WorldCom entities?  
19 A. I don't know.  
20 Q. Do you know if it's a group, or a  
21 department within one of the WorldCom entities?  
22 A. I don't know.  
23 Q. Do you know if it's an organization  
24 independent of any of the WorldCom entities?  
25 A. Independent of any one of them?



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1  
2 Q. Right, right.  
3 A. I think it's part of one or more of the  
4 entities, but I'm not sure the corporate structure.  
5 Q. Do you know if any of them, any of the  
6 individuals you mentioned thus far;  
7 Mr. Hasselvander, Miss Taylor, Miss Tate, Mr.  
8 Beckman, or Mr. Mancini, conducted searches for  
9 documents?  
10 A. I'm certain they did, mechanically did  
11 it. I'm not certain. I believe Mr. Hasselvander  
12 did some, in some cases in his direction.  
13 Q. Do you know how any one of those  
14 individuals did searches, or directed that searches  
15 be done?  
16 A. I don't know the physical mechanics of  
17 it, but I'm aware that they had information, names,  
18 and terms, and conducted searches through that  
19 process.  
20 Q. What was the information that they had  
21 that he used to conduct the searches?  
22 A. I believe, I can't sit here and recall  
23 all of it, but I believe it would have included  
24 EffectNet, it would have included Intermedia One,  
25 it would have included request for information

1  
2 so I called about that -- why is that, and the  
3 answer was, it doesn't come up in search.  
4 Q. Who did you speak to when you called?  
5 A. I recall it could have been Joe Stevens,  
6 it could have been Emmy Taylor, it could have been  
7 Phil Hasselvander or Brenda Tate.  
8 Q. So it could have been one of those four  
9 or five individuals you mentioned?  
10 A. Yes, yes.  
11 Q. Do you know how they went about the  
12 search with the term EffectNet?  
13 A. Mechanically, if that's what you mean.  
14 I don't know the mechanical process. It includes  
15 entering into the computer system search terms like  
16 many other systems, but I don't know.  
17 Q. I mean, let me back up a couple of steps  
18 perhaps. When you spoke with one of these four  
19 individuals, and I know that your recollection is  
20 that you spoke with them, you're just not sure  
21 which ones perhaps, and what time frames, in what  
22 order, but when you asked them to do a search,  
23 strike that.  
24 When you spoke with these individuals,  
25 what was your understanding as to what they were

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1  
2 regarding a merger between MCI and Intermedia.  
3 There were names I know that included James Faust  
4 and Jim Renforth and others. That's at least some  
5 of them, probably Webley.  
6 Q. Why do you say, probably Webley?  
7 A. Because it was one of the entities  
8 involved in the matter.  
9 Q. Do you know if in fact, either one of  
10 those individuals either did the search, or  
11 directed a search to include Webley in that search?  
12 A. I can't sit here today and say for sure.  
13 I'm more confident in some of the other terms,  
14 because I see them in the indexes, but I don't  
15 recall Webley for sure.  
16 MR. DRISCOLL: I couldn't hear that.  
17 Can you read that back?  
18 (Record read.)  
19 Q. Do you know if they used the term  
20 EffectNet in their searches?  
21 A. I believe they did.  
22 Q. Why do you believe that?  
23 A. The reason I believe that, is because  
24 the indexes came back and I looked at them, and the  
25 EffectNet was not among the words in the indexes,

1  
2 searching for?  
3 A. Stored documents, indexes, electronic  
4 indexes of stored documents.  
5 Q. So your understanding was that they had  
6 index, or multiple indexes, of documents that they  
7 had stored somewhere?  
8 A. Yes.  
9 Q. The actual physical document stored  
10 somewhere then, had an index?  
11 A. A computerized index, yes.  
12 Q. When they conducted, either they  
13 themselves, or had someone conduct the searches,  
14 they searched the index or indices for the term,  
15 for example EffectNet?  
16 A. That is my understanding, yes.  
17 MR. DRISCOLL: Can you read back the  
18 last question?  
19 (Record read.)  
20 Q. Just so I'm clear, they didn't actually  
21 go to the boxes of documents and search for these  
22 documents with these terms?  
23 A. I don't believe they did.  
24 Q. Do you know how they determined what  
25 indexes or indices existed?

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1  
2 A. It's my understanding, their  
3 computerized index system would include their  
4 searches, would include search of all indexes of  
5 stored hard copy documents.  
6 Q. Okay.  
7 Do you know what the stored documents  
8 encompassed, or included?  
9 A. I guess I'm not sure I understand your  
10 question.  
11 Q. And certainly, if at any time during  
12 today you don't understand a question, tell me and  
13 I'll try to rephrase it so you understand. I think  
14 you may have answered this before, but let me ask  
15 it again. I think I know what the answer would be,  
16 but just.  
17 Do you know of what entities the stored  
18 documents were from, that they had these indices  
19 for?  
20 A. Again, my understanding is all related  
21 entities.  
22 Q. And that would have included Intermedia  
23 entities, WorldCom entities, or MCI entities?  
24 A. Correct.  
25 Q. Again, the time frame for that was

1  
2 created.  
3 Q. Before I get to that, you make a  
4 distinction between the index of Intermedia  
5 documents and between other documents?  
6 A. In terms of how they were created, yes.  
7 Q. Do you know if there were different  
8 indices for different entities?  
9 A. My understanding, again, is it's when  
10 computerized indexing system, whether they go to  
11 two to three separate systems. I'm not absolutely  
12 sure of that, but the information on the indexes, I  
13 guess, is what I have some information on as it  
14 relates to Intermedia originated documents.  
15 Q. I don't recall if this was the question  
16 I just asked you. Do you know how the indices were  
17 created?  
18 A. I again, I've been told, in some respect  
19 how information for the indexes was generated for  
20 Intermedia.  
21 Q. Okay, and what information were you told  
22 about, how the information was gathered for  
23 Intermedia documents?  
24 A. That as Intermedia was winding up and  
25 employees were leaving their employment, RIF, they

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1  
2 January 1, 2000 through the end of 2002, December  
3 of 2002?  
4 A. Time frame for what?  
5 Q. For your request for of their search in  
6 these stored documents?  
7 A. Well, that is a time frame we worked  
8 with, but I don't believe their search for stored  
9 documents was limited in that way. They searched  
10 for terms and sometimes what I recall concepts,  
11 marketing, that sort of thing, Intermedia  
12 marketing, names. I'm sure we did give them dates,  
13 but I know the index we produced includes documents  
14 from earlier time frames, so it can't have been  
15 that limited.  
16 Q. Do you know where the documents that  
17 they had indices of were stored?  
18 A. I don't know where they were stored.  
19 They were stored sometimes, at least in commercial  
20 storage companies, like Iron Mountain, and perhaps  
21 all over the world for that matter.  
22 Q. Do you know how the indices that they  
23 had were created?  
24 A. I have some information about how the  
25 index of Intermedia originating documents were

1  
2 were asked to box up documents and create an index  
3 and leave them in their office or their space.  
4 Q. You said RIF, I assume you're talking  
5 about reduction in force?  
6 A. Correct.  
7 Q. As I understand your testimony, at the  
8 time when Intermedia was either being merged into  
9 or shutting down, in some way the employees who  
10 were laid off or terminated, in some way were told  
11 to box up their documents, create an index for  
12 those documents, and leave them where they were?  
13 A. That's my understanding, yes.  
14 Q. Do you know if they were given some  
15 template to create an index what was contained in  
16 whatever documents they had?  
17 A. I don't know.  
18 Q. Do you know what information they  
19 included in there respective indices?  
20 A. Well, we have the index, but beyond  
21 that, no. We have overall large index you've seen  
22 on those boxes.  
23 Q. Well, were the indices that were given  
24 to you, and ultimately given to us in this case,  
25 the indices of each individual employee?

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1  
2 A. That is my understanding.  
3 Q. For employees who were not either laid  
4 off, terminated, or in some way, do you know what  
5 they did with respect to their documents?  
6 A. I only know that was the process and, I  
7 don't know who you'd be referring to, or what  
8 circumstance you'd be referring to, but as they  
9 left to merge to go to MCI or to leave employment,  
10 whatever; they were asked to box them and leave an  
11 index.  
12 Q. Do you know if their boxes were titled  
13 in some way specific to those particular  
14 individuals?  
15 A. Well again, from the indexes that you've  
16 seen, we've seen, there are some instances where  
17 that's the case, but generally not.  
18 Q. Do you know if, for example, I think you  
19 mentioned a Jim Renforth or James Renforth; do you  
20 know if he had created an index of whatever  
21 documents he had at the time that he left  
22 employment with Intermedia?  
23 A. I know that I'd ask records management  
24 to run his name against their stored documents, and  
25 it produced only his personal file. No other

1  
2 Q. Let me give you an example of what I'm  
3 driving at and see if it's any clearer. For  
4 example, here at Kelly Drye, if I receive a  
5 document or letter, correspondence, whatever it  
6 might be, I send that letter when I receive it, or  
7 a copy of it, to our records management department.  
8 I also keep a copy for myself so I have a work  
9 file. Do you know if Intermedia had a similar type  
10 of records management, where on either,  
11 contemporaneously, employees would send a document  
12 or file that they received or sent out to that  
13 central records management, and also perhaps retain  
14 their own work file?  
15 A. I'm not certain of that. What I  
16 understand, is that whatever that process is, it  
17 would have ended up with RIM after it closed, after  
18 Intermedia closed.  
19 Q. With respect to indices not of  
20 Intermedia, do you know how those indices were  
21 created?  
22 A. I'm not certain how those were created.  
23 Q. Did any of the individuals from RIM,  
24 including Mr. Hasselvander, Miss Taylor, Miss Tate,  
25 Mr. Beckman, or Mr. Mancini, ever indicate to you

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1  
2 documents identify as his.  
3 Q. Aside from individual employees creating  
4 indices for documents they had in their offices, do  
5 you know, otherwise, how documents stored by  
6 Intermedia were indexed?  
7 A. That's it. I believe, that's what I  
8 understand, that's what I understand the practice  
9 was.  
10 Q. Do you know if Intermedia had, I'm going  
11 to try and phrase the question; tell me if you  
12 understand it or not.  
13 Do you know if Intermedia had a records  
14 management office that on a rolling basis  
15 employees, would send documents or files so that  
16 these documents could be maintained in a central  
17 storage space contemporaneously with their own work  
18 files, for example?  
19 A. Well, I believe my understanding is the  
20 same storage function to the extent that happened,  
21 it would be through records management and part of  
22 their stored documents that is, encompasses all, so  
23 to the extent documents were stored prior to, or  
24 other than, I think it would be part of that as  
25 well.

1  
2 how other indices were created?  
3 A. Don't recall that they did.  
4 Q. Aside from Intermedia documents, did  
5 they have indices of other entities?  
6 A. Well, again, I'm not- I don't know that  
7 their indices are divided by entities. It's my  
8 understanding, their computer indexes cross entity  
9 lines, so I don't believe they were separated  
10 necessarily, by corporate entity, they may. I'm  
11 not aware of what they do, and I have been informed  
12 that their searches cross corporate lines.  
13 Q. Aside from the terms you mentioned  
14 earlier, I believe EffectNet Intermedia One and  
15 merger between MCI and Intermedia, were there other  
16 search terms that were used to search the indices  
17 that RIM had in its possession?  
18 A. Again, I believe Webley would have been  
19 used, and individual names were also used.  
20 Q. Well, I understand. I'm just talking  
21 about terms, I wasn't talking about names.  
22 A. Unified Communications, probably was  
23 used.  
24 Q. Probably?  
25 A. I believe it was.

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1  
2 Q. Why do you believe it was?  
3 A. Well, one of the boxes produced is  
4 labelled Unified Communications. It was a key  
5 term. It was logically, one that we would have  
6 used, might have used, Webley in connection with  
7 master software licensing agreement. I'm not  
8 certain at all, but I think they may have looked  
9 for management reports, marketing, that sort of  
10 thing, but I don't recall the terms.  
11 Q. Do you have any notes of what terms they  
12 did use?  
13 A. I don't believe I do.  
14 Q. When you discussed with them, or  
15 communicated with them in connection with the terms  
16 to be used, did you send them anything in writing  
17 to include the terms to be used to search the  
18 indices?  
19 A. I simply don't recall.  
20 Q. You mentioned earlier that they used the  
21 term EffectNet to conduct the search, and there  
22 were no results from that search; is that accurate?  
23 A. I believe that's true, that's my best  
24 recollection.  
25 Q. Do you know how they input that search

1  
2 with respect to Mr. Renforth?  
3 A. That's correct.  
4 Q. Do you know if they conducted searches  
5 of other individuals?  
6 A. They did.  
7 Q. Using their names?  
8 A. Yes they did.  
9 Q. Do you know the results were of that?  
10 A. Nothing, other than personnel files.  
11 Q. Do you know if there were searches done  
12 for work files for Mr. Faust?  
13 A. Well, I mean, they searched using his  
14 name, so I'm not sure what you mean by work files.  
15 Q. Let me try it this way. When either  
16 yourself or Mr. Bigus, or Miss Stolte, or anyone  
17 else at Stinson, communicating with individuals who  
18 either worked at presently, at that time, or  
19 formerly at WorldCom Intermedia or MCI, did you  
20 contact Mr. Faust?  
21 A. I did not.  
22 Q. Do you know if any of the other  
23 individuals at Stinson did?  
24 A. I'm not aware if any of them did.  
25 Q. Did anyone from Stinson contact

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1  
2 term into the data base to search for it?  
3 A. Physically inputted?  
4 Q. Meaning how it was spelled.  
5 A. Spelled?  
6 Q. Right.  
7 A. Not certain, but they're pretty good. I  
8 think from conversations with them, they're aware  
9 that you have to use a variety of terms  
10 sometimes -- no, they didn't.  
11 Q. I didn't finish my question. Did they  
12 tell you how they input the name to do the search?  
13 A. I don't recall that they did.  
14 Q. You mentioned a couple of names that  
15 they had searched, among others. Two names you did  
16 mention were Faust and Renforth; is that correct?  
17 A. That is correct.  
18 Q. Do you know how they -- do you know if  
19 they had any results from the search including the  
20 name Faust?  
21 A. His personnel file.  
22 Q. Anything else?  
23 A. My understanding is there wasn't  
24 anything else.  
25 Q. I believe you testified the same result

1  
2 Mr. Renforth?  
3 A. I'm not aware if they did or didn't.  
4 Q. I believe you had mentioned earlier that  
5 either yourself, or someone else from Stinson had  
6 contacted Mr. Black?  
7 A. That's correct.  
8 Q. Did you personally, or did someone else  
9 from Stinson?  
10 A. I participated in phone conversations  
11 with Mr. Black -- more than one but -- I know at  
12 least two actually.  
13 Q. I'm sorry?  
14 A. At least two.  
15 Q. Two conversations with him?  
16 A. Mr. Black, yes.  
17 Q. Is he still employed with MCI?  
18 A. Yes.  
19 Q. During the conversation with Mr. Black,  
20 was it requested of him whether or not he had to  
21 maintain, or keep a work file regarding either  
22 EffectNet or Intermedia One, or anything relating  
23 to this proceeding?  
24 A. We asked if he had any records relating  
25 to those issues, yes.

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1  
2 Q. What was his response?  
3 A. He did not.  
4 Q. Did he say whether he had ever worked on  
5 any matters relating to EffectNet or Intermedia  
6 One, or Webley or Unified Communications?  
7 A. I'm not certain to what extent I can go  
8 into the details of Mr. Black, without waiving  
9 privilege.  
10 MR. DRISCOLL: Can you read the question  
11 back?  
12 (Record read.)  
13 MR. DRISCOLL: I guess we need to talk.  
14 MR. SMITH: Hold on. Just to be clear  
15 for the record. The discussion is to  
16 determine whether or not any discussions that  
17 Mr. Ramsay or others that he was involved with  
18 at the time, any conversation with Mr. Black  
19 impinges upon privileged communication?  
20 MR. DRISCOLL: That's why I want to have  
21 this chat.  
22 MR. SMITH: I want it to be clear.  
23 MR. DRISCOLL: Could you read the  
24 question back?  
25 (Record read.)

1  
2 A. She said she did not.  
3 Q. Did she say she had ever worked on any  
4 of those matters, or involved in some way?  
5 A. I don't recall.  
6 Q. Miss Hastings?  
7 A. No, I don't recall. There's -- she  
8 signed the contract, but beyond that I don't  
9 recall.  
10 Q. The contract meaning the Unified  
11 Communications agreement?  
12 A. Right.  
13 Q. With respect to, I believe, you had said  
14 Teresa Hastings, either you, or you and somebody  
15 else from Stinson had conversations with her  
16 regarding documents; did she indicate in your  
17 conversation with her or anyone else from Stinson,  
18 having a conversation with her indicate whether she  
19 had any documents?  
20 A. She said she did not.  
21 Q. Did she indicate whether she had worked  
22 on any of the matters that I asked you before, with  
23 respect to Mr. Black?  
24 A. I don't recall the list now that you  
25 were asking about. What was the list of topics?

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1  
2 MR. DRISCOLL: So whether Black worked  
3 for any of those, or on any of those things.  
4 (Discussion off the record.)  
5 A. Can I have the question read back?  
6 (Record read.)  
7 A. And my answer is, I don't recall.  
8 Q. Did he say whether or not he had any  
9 documents relating to any of those topics?  
10 A. He said he did not.  
11 Q. Did you take any notes of that  
12 conversation with Mr. Black?  
13 A. I did.  
14 Q. You also mentioned, either you or  
15 someone else from Stinson had spoken with Kathleen  
16 Victory?  
17 A. That's correct.  
18 Q. Was it you, or was it somebody else, or  
19 you and somebody else at the same time?  
20 A. I was present, participated in one  
21 conversation with Larry Bigus, and I had at least  
22 one other conversation myself individually.  
23 Q. Did Miss Victory indicate whether she  
24 had any documents relating to the topics I  
25 mentioned before, with respect to Mr. Black?

1  
2 Q. EffectNet --  
3 A. I'm not trying to be- I think she may  
4 have had, or recalled something about Webley Master  
5 Software Licensing Agreement. I'm not certain. I  
6 don't know if that was part of your list or not.  
7 Q. It was.  
8 I believe you had also mentioned you had  
9 conversations, or someone from Stinson, had  
10 conversations with Barry Zip; is that correct?  
11 A. That's correct.  
12 Q. Did Barry Zip indicate whether he had  
13 any documents related to EffectNet Intermedia One,  
14 Webley, Unified Communications or any of those  
15 topics?  
16 A. I believe he did not.  
17 Q. Do you know if he said he was involved  
18 with, or he had worked on any of these topics?  
19 A. I don't recall.  
20 Q. You mentioned either you, or someone  
21 else from Stinson Stinson, may have contacted other  
22 individuals?  
23 A. Yes.  
24 Q. Do you remember the names of those other  
25 individuals?

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1  
2 A. I could give you some, certainly.  
3 Q. Okay.  
4 A. Steve Hooper, Mike Randles.  
5 Q. What was the name again?  
6 A. Steve Hooper, Mike Randles, Maria Ayala,  
7 Julio Valdez, gentleman by the name of Perez, whose  
8 last name I don't recall -- whose first name I  
9 don't recall. There were others, but they're not  
10 coming to mind immediately, but there were others.  
11 Again, as we go through it, perhaps  
12 chronologically, your question might bring them up;  
13 there were others.  
14 Q. Were these individuals you just  
15 mentioned, individuals that at the same time as you  
16 had contacted Mr. Black, Miss Victory for example,  
17 you also contacted these individuals?  
18 A. Mr. Black and Miss Victory were  
19 contacted sometime in '04, and the other  
20 individuals were sometime in '05. I don't know  
21 exactly when, but it was a little bit later.  
22 MR. DRISCOLL: Can you read that back?  
23 (Record read.)  
24 Q. Did you ask any of these individuals you  
25 just mentioned, whether they had any files

1  
2 Q. Do you know if the documents that they  
3 mentioned they had were -- had also been included  
4 in the indices that were searched by the RIM  
5 office?  
6 A. I don't believe they were.  
7 Q. So they had documents independent, or  
8 separate, from what was on the indices?  
9 A. That's correct.  
10 Q. Do you know if those documents were  
11 obtained by Stinson for review for purpose of  
12 production in this case?  
13 A. They were.  
14 Q. Do you know if they were produced?  
15 A. Non-privileged response documents from  
16 those sets were produced.  
17 MR. SMITH: Can I mark this as Ramsay  
18 Exhibit No. 1?  
19 (Ramsay Exhibit 1, WorldCom's first  
20 amended initial disclosure, marked for  
21 identification, as of this date.)  
22 Q. Mr. Ramsay, you should have in front of  
23 you what we marked for identification as Ramsay  
24 Exhibit No. 1. It has a caption of United States  
25 Bankruptcy Court, Southern District of New York,

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1  
2 concerning EffectNet, Intermedia One or anything  
3 else relating to this litigation?  
4 A. Yes.  
5 Q. What was their response?  
6 A. Steve Hooper did have documents.  
7 Q. Anyone else?  
8 A. Mike Randles had documents.  
9 Q. Anyone else?  
10 A. Julio Valdez had something on the  
11 electronic side for back up tapes. I don't know if  
12 you want to go into that, but he's aware of the  
13 process, and so forth of backup tapes. Perez, I  
14 don't believe, had any documents. He again, was on  
15 the electronic side, was the one I contacted  
16 because it was thought he might have information  
17 before we reached Julio, I believe, and found he  
18 had the information we needed.  
19 Q. How about Maria Ayala?  
20 A. She did not have any documents.  
21 Q. Did Mr. Hooper and Mr. Randles work for  
22 WorldCom or Intermedia?  
23 A. Mr. Hooper worked for WorldCom, and  
24 Mr. Randles had worked for Intermedia, and  
25 currently works for MCI or WorldCom.

1  
2 Chapter 11 case number 02-13533, (AJG), in re,  
3 WorldCom Inc., et al. And it's WorldCom Inc.'s  
4 first amended initial disclosure pursuant to fed  
5 rule bankruptcy procedure 706281, and it's dated  
6 certificate of service has it dated as November 23,  
7 2004. Do you recognize this document at all?  
8 A. I do.  
9 Q. Have you seen it before?  
10 A. I have.  
11 Q. Did you have help in preparing this  
12 document?  
13 A. I believe -- is that the amended  
14 version? I participated, I believe I have.  
15 Q. For the purposes of right now, my  
16 question really focuses on page two of the document  
17 under disclosures A, witnesses. And there's a list  
18 of 25 names here. Did you have a chance to take a  
19 look at the names listed?  
20 A. I just now glanced.  
21 Q. Does looking at this list refresh your  
22 recollection in any way of other individuals you  
23 may have contacted, or Stinson may have contacted,  
24 in connection with trying to locate documents in  
25 this proceeding?

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1  
2 A. To some degree. There are other names  
3 on here that I believe we contacted. We, meaning  
4 either I, or others with Stinson.

5 Q. Okay.

6 A. Well, and I -- I don't know how you want  
7 to approach this.

8 MR. DRISCOLL: Let him ask the question.

9 Q. There are certain names here that you've  
10 already identified, and I'm not going to cover them  
11 again, but then there were names that you have not  
12 identified that I was going to ask you. I'll just  
13 go through and try to make it as expeditious as  
14 possible, so that we don't waste time just doing  
15 this, but maybe the easiest way is, aside from the  
16 individual names you've mentioned already, are  
17 there other names on this list who you did  
18 communicate with or contact with, to determine  
19 whether they had documents or not?

20 A. Are you asking me personally?

21 Q. Either you and/or Stinson?

22 A. Okay. There are other names on there  
23 that I believe we did contact. Some cases, I  
24 believe, they were on the list that Sharon Stolte  
25 contacted, but I'm not as certain about that. I

1  
2 contacted, on Page three, number 12?

3 A. That is not a name I recognize, so I  
4 don't believe I did, but it's possible Sharon did.

5 Q. Do you know that Miss Stolte actually  
6 did contact her?

7 A. No, I don't know. I don't know for  
8 certain that she did.

9 Q. Further up on the list, number ten,  
10 Vicki Galante-Lee; do you know if anyone contacted  
11 her?

12 A. I'm not certain. I don't believe I did,  
13 but Sharon might have.

14 Q. But you're not certain?

15 A. I'm not certain.

16 Q. I believe going back to page two, sorry  
17 number four, with respect to Patrice Carroll, I  
18 believe you said someone may have contacted her?

19 A. I may be confusing the two Carroll's. I  
20 recognize Carroll's name, but I'm not sure which of  
21 them was contacted. It may have been Jennifer, but  
22 I'm not certain about Patrice.

23 Q. Are you certain about Jennifer Carroll?

24 A. No, I'm not. I believe one -- a Carroll  
25 was, but I'm not sure.

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1  
2 believe Jennifer Carroll was contacted. Patrice  
3 Carroll may have been, I'm not certain. Barry,  
4 last name Barry, number two. There may have been,  
5 I'm not certain.

6 Q. I'm sorry?

7 A. I don't know about Patrice Carroll and  
8 Barry. Peter Cassidy, I believe, was contacted. I  
9 believe Shirley Denham-Dale was contacted. Donald  
10 Fergus was contacted. I've already mentioned  
11 Teresa Hastings. I believe maybe Richard Jeffers  
12 was, and I believe maybe Johnson was. I believe  
13 Sharon Kasimow was. I believe Susan Kennedy was.  
14 I believe Mary Kilmartin was. I believe Carleen  
15 Mitchell was. This Nasser S H E I K H was; it's  
16 the name I couldn't spell earlier, and I believe  
17 Pamela Dunman was.

18 Q. Do you know if, in reverse order, do you  
19 know if Cheryl Mellon was contacted?

20 A. I'm not certain. I did not -- I don't  
21 believe I did.

22 Q. Do you know if anyone from Stinson  
23 contacted her?

24 A. I'm not certain.

25 Q. Do you know if Claro Hernandez was

1  
2 Q. Do you know if the Carroll that was  
3 contacted had any documents in connection with this  
4 proceeding?

5 A. They would not have had.

6 Q. Why do you say, they would not have had?

7 A. Because I'm familiar with the documents,  
8 and we got documents from anyone that had them, and  
9 there were none provided by her.

10 Q. Do you know if Peter Cassidy had any  
11 documents?

12 A. I believe I talked to Peter Cassidy, and  
13 he did not.

14 Q. Do you know if Shirley Elizabeth  
15 Denham-Dale had any documents?

16 A. I believe she did not.

17 Q. Do you know if Donald Fergus had any  
18 documents?

19 A. I believe he did not.

20 Q. Do you know if Richard Jeffers had any  
21 kind of documents?

22 A. I believe he did not -- if he was  
23 contacted, he did not.

24 Q. You're not certain if Mr. Jeffers was  
25 contacted?

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1  
2 A. No.  
3 Q. Do you know if Mandy Johnson had any  
4 documents?  
5 A. She did not. She did answer. I believe  
6 she did not.  
7 Q. Did Sharon Kasimow have any documents?  
8 A. No.  
9 Q. Did Susan Kennedy have any documents?  
10 A. I believe she did not.  
11 Q. Mary Kilmartin?  
12 A. As I recall, she did not.  
13 Q. Carleen Mitchell?  
14 A. As I recall, she did not.  
15 Q. Nasser Sheikh?  
16 A. He did.  
17 Q. Do you know what those documents related  
18 to?  
19 A. As best I recall, they relate to the  
20 Webley master software licensing agreement.  
21 Q. Anything else?  
22 A. I don't recall what it is.  
23 Q. With respect to Pamela Dunham, do you  
24 know if she had any documents?  
25 A. No. As best I know, she did not.

1  
2 from, and they're not those people.  
3 Q. How do you know who you have documents  
4 from?  
5 A. Some cases, because I talked to them and  
6 they sent them, and other cases because Sharon  
7 talked to them and they sent them, I know they're  
8 in our file.  
9 Q. When you had spoken with the  
10 individuals, what were either the documents or  
11 categories of documents, that you had asked them  
12 for?  
13 MR. DRISCOLL: Objection to the form of  
14 the question. Asked and answered.  
15 A. Generally, described to them the claims  
16 made in the Parus Holdings pleadings, and asked if  
17 they had any documents that would relate to those  
18 issues.  
19 Q. When you say described to them the  
20 pleadings, are you -- what pleadings are you  
21 referring to?  
22 A. Parus Holdings response to MCI's  
23 objections to their claim, principally excluding  
24 the details of the claim.  
25 Q. In the conversations you had with the

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1  
2 Q. With respect to each of the individuals  
3 who you mentioned, as a result of Exhibit 1, as  
4 well as the other individuals who you testified did  
5 not have documents, I understand your testimony to  
6 be that you do not recall them saying that they did  
7 not have documents; is that correct?  
8 MR. DRISCOLL: Objection to the form of  
9 the question. Can you try it again, because  
10 it's convoluted.  
11 Q. With respect to the individuals we just  
12 went through the names of the individuals, as I  
13 understand your testimony, as to those who did not  
14 have documents, your testimony is that you do not  
15 believe that they indicated they had documents; is  
16 that correct?  
17 A. What I remember is, that everybody we  
18 talked to we asked if they had documents, and if we  
19 did, we got them. There was no one we talked to  
20 that had documents, that we didn't get and we don't  
21 have, and I know we don't have documents for those  
22 names.  
23 Q. How do you know you don't have documents  
24 with respect to the names?  
25 A. Because I know who we have documents

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2 individuals, did you ever ask them for documents  
3 concerning a Generation D product of WorldCom?  
4 A. I was not familiar with that term until  
5 your October letter, so no, I didn't.  
6 Q. Did you ask them for any products that  
7 WorldCom had that was a competing product to the  
8 Unified Communications product?  
9 A. I asked about Unified messaging products  
10 documents relating to the Unified messaging  
11 products.  
12 Q. What was their response?  
13 A. They didn't have.  
14 Q. Did any of the individuals, either  
15 listed here or that we discussed today, earlier  
16 today, work for WorldCom ventures?  
17 A. I don't know. I'm not aware that they  
18 did. Again that's -- you had not requested  
19 anything from WorldCom ventures and that term I  
20 wasn't familiar with until your October '05 letter.  
21 Q. Were they asked for any analysis they  
22 may have done of either Webley's financials, or  
23 products, or EffectNet's financials or products?  
24 A. Some were asked about Webley, as I  
25 recall. I don't recall about EffectNet.



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2 Q. Which ones were asked about Webley and  
3 not EffectNet?  
4 A. Steve Hooper was asked about what  
5 information had been obtained. Your -- Parus's  
6 objection to the claim alleged that MCI had  
7 inquired financial information as part of its  
8 negotiations with Webley contract. He was familiar  
9 with that, and I asked him about that.  
10 Q. Did he have any documents concerning  
11 that?  
12 A. My understanding is yes, he did.  
13 Q. And those documents have been produced?  
14 A. To my understanding, yes.  
15 Q. Aside from Steve Hooper, who was asked  
16 about Webley, but not EffectNet?  
17 A. I'm not saying they were asked about  
18 Webley but not EffectNet. I'm saying, I recall  
19 specifically asking about Webley. I don't recall  
20 specifically asking about EffectNet.  
21 Q. Aside from Steve Hooper, who else do you  
22 recall asking about Webley, but don't recall asking  
23 about EffectNet?  
24 MR. DRISCOLL: Just so the record is  
25 clear, you both I think, are using shorthand

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2 earlier was with respect to Mr. Hooper, is you  
3 recall asking him about Webley generally, but you  
4 don't recall asking him about EffectNet?  
5 A. I specifically remember Webley.  
6 Generally, I described all those claims to  
7 everybody I talked to. I believe the time frame he  
8 was talking about, EffectNet might have merged with  
9 Webley, but I'm not sure. He was involved with the  
10 master licensing contract issues, so I specifically  
11 remember that.  
12 Q. With respect to anyone else that we  
13 talked about today, in terms of that either you or  
14 someone else from Stinson contacted for documents,  
15 did you request from any of them, aside from  
16 Mr. Hooper, documents concerning their evaluation  
17 or analysis of Webley or EffectNet?  
18 A. I asked for everything they had relating  
19 to Webley or EffectNet, everything and anything.  
20 Q. Of the individuals we've talked about so  
21 far today that you recalled being contacted, two of  
22 those individuals had documents, that was Steve  
23 Hooper and Mike Randles; is that correct?  
24 A. That is correct. There were others I  
25 mentioned earlier, for example I'll look back at

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2 now. The way the question started out as I  
3 recall, an evaluation of EffectNet finances or  
4 evaluation of Webley financials, correct, and  
5 that's what the shorthand has evolved to.  
6 MR. SMITH: That was my question, and  
7 Mr. Ramsay's response was he didn't ask about  
8 analysis of financials of products, he asked  
9 about Webley or EffectNet, that's my  
10 understanding of what his response was.  
11 A. Mr. Driscoll is probably trying to clear  
12 up that we're talking about financial analysis, not  
13 EffectNet.  
14 MR. DRISCOLL: I'm trying to get a clean  
15 record here, that's all, and to me it seems  
16 like it's gotten muddied.  
17 MR. SMITH: I don't think it has gotten  
18 muddied. I think Mr. Ramsay's response has  
19 framed, then my questions to him to ask what  
20 it seems he was answering, and so I don't  
21 think it's been muddied. I think it's based  
22 on his responses, and where we are right now.  
23 A. If it's been muddied, perhaps I muddied  
24 it with my answer. Go ahead.  
25 Q. My understanding of your testimony

1  
2 the list, Nasar S H E I K H.  
3 Q. My apologies. Anyone else?  
4 A. Don't recall anybody else. I should say  
5 that documents were collected before I got involved  
6 in the case. It is conceivable that in Sharon's  
7 contact with some of these people, there were  
8 somebody else on that list that I'm not, as I sit  
9 here, aware of.  
10 Q. Who collected the documents before you  
11 became involved in the case?  
12 A. Sharon Stolte and Larry Bigus.  
13 Q. Do you know how many documents they  
14 collected?  
15 A. I don't.  
16 Q. Do you know where they collected the  
17 documents from?  
18 A. Generally, they contacted individuals on  
19 this list, and perhaps through in-house counsel,  
20 I'm not certain.  
21 Q. Do you know the source of the documents  
22 that they collected?  
23 MR. DRISCOLL: Other than what he just  
24 said.  
25 MR. SMITH: Yes.